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# UNEMPLOYMENT RELIEF IN LABOR DISPUTES CALIFORNIA'S EXPERIENCE

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IN RECENT years California has been the scene of a substantial share of the nation's labor struggles. Handling of relief problems, as they affected strikers and their families, is said to have been a major cause in a marked change in the state's politics commencing in 1939.

An entirely successful solution in this matter has yet to be effected by the new state administration, but a key to the problem, as it affects every state program throughout the country, may appear in a study of California's experience, past and recent. Specifically, such a study entails a thorough examination of the circumstances under which persons engaged in or affected by labor disputes have received relief payments from the California State Relief Administration under the California Unemployment Relief Act of 1935.[1]

Confusion and doubt have surrounded the "strike policy" of the California S.R.A. County S.R.A. directors and state S.R.A. officials speak of it often, but with great uncertainty as to what its content may be. Illustrative of the approach to the problem current for a

[1] Calif. Statutes 1935, p. 1850, 2 Deering's General Laws, Act 8780e. Under this act cash distributions are made to persons suffering hardship and destitution due to and caused by unemployment. The payments are of a "dole" type and do not partake of the nature of unemployment compensation insurance benefits.

long time is a general circular letter to county S.R.A. directors, issued in 1938 by the then S.R.A. assistant administrator, which included the following statement:

> Like the long-winded preacher after I decided to bring this thing to a close I get another idea. It is about strikes. Some of you are bothered more than others over this issue. The S.R.A. has *no* strike policy. We are strictly neutral in labor disputes. Relief is extended because of unemployment and need therefrom. Whether unemployment in the sense that we use the term exists in any labor dispute will be determined by the state office. Contact us immediately in case of a labor controversy and we will give you the course to follow.[2]

Actually, no comprehensive statement of the policy of the S.R.A. with reference to labor disputes was ever issued. Now and then letters and statements have appeared, which will hereafter be more specifically discussed, purporting to be a statement of the policy. A careful examination of these statements, however, indicates that they are inadequate and cover only a portion of the policy which, in fact, exists although never explicitly set forth.

Some idea of the importance of the problem can be gained from the fact that the 95-day maritime strike of 1936–37 brought a total of 3,668 relief cases to the rolls of the S.R.A. The question as to whether unemployment relief would be received in the event of a labor dispute is increasingly becoming a major factor weighed by employer and employee groups in determining actions during their negotiations.

### THE POLICY IS FORMED

Federal Administrator Harry L. Hopkins once bluntly said, regarding the program he was then administering for the federal government, "Yes, the F.E.R.A. has fed strikers and will feed strikers."[3] This was prior to December 31, 1935, and unemployment relief distributed by the state of California was then, in part, contributed to by the federal government under the terms of the Federal Emergency Relief Act of 1933.[4] Under these circumstances the state

[2] For a detailed reference to the foregoing and other material cited and quoted throughout this article see the writer's "Unemployment Relief in Labor Disputes" (1939), California State Relief Administration (40 pp., mimeographed), which contains an exact description of the source and present location of all such material.

[3] See *Nation*, CXXXIX (September 12, 1934), 285.

[4] 48 U.S. Stat. 55; 15 U.S.C. sec. 721–28.

emergency relief administrations were required to accept the labor policy laid down by the federal authorities. Specifically, this policy was embodied in the instructions issued by federal Administrator Hopkins, as follows:

> The Federal Emergency Relief Administration is concerned with administering relief to the needy unemployed and their families. Each case applying for relief to the local emergency relief agencies should be treated on its merits as a relief case wholly apart from any controversy in which the wage earner may be involved. The Federal Emergency Relief Administration will not attempt to judge the merits of labor disputes. State and Federal agencies exist, as well as courts, which are duly qualified to act as arbiters and adjusters in such disputes. Unless it be determined by the National Labor Board of the National Recovery Administration that the basis for a strike is unreasonable and unjustified, the Federal Emergency Relief Administration authorizes local Relief Agencies to furnish relief to the families of striking wage earners after careful investigation has shown that their resources are not sufficient to meet emergency needs.[5]

Without harboring any illusions as to the functioning of this "federal policy," we still may agree that, in general, wage-earners were entitled under that policy to refuse to take jobs where a labor dispute existed and did generally receive F.E.R.A. relief instead, as required under the policy. Critics of F.E.R.A. policy were not lacking. Notwithstanding these criticisms, the "federal policy" caused relief to be distributed much more freely in labor disputes than does the current S.R.A. policy.

During its 1935 session the California legislature had passed the California Unemployment Relief Act of 1935, which authorized the extension of unemployment relief for substantially the same purposes as had been set forth under the Federal Emergency Relief Act of 1933.[6] The California act, like the federal act, made no ex-

[5] Regulations No 3, Federal Emergency Relief Adminstration, October 5, 1933. For the similar policy of the present Work Projects Administration see W.P.A., *Field Operations Bulletin No. 405* (September 15, 1939), Appen., p. 11, stating that aid will not be denied "for refusal to accept employment where employees are locked out or on strike."

[6] Expenditure under the federal act was for the purpose of ". . . . relieving the hardship and suffering caused by unemployment. . . . ." The California act is declared to be for the ". . . . relief of hardship and destitution due to and caused by unemployment."

plicit provision as to what should be the policy in labor disputes.[7] Shortly after the S.R.A. commenced to proceed "on its own," an opinion was requested of the California attorney-general on this subject. The opinion rendered did not greatly clarify the matter other than to throw the task of making a decision back in the lap of the S.R.A. and the Relief Commission. The attorney-general's ruling said:

> Whether relief may be extended to persons on strike will, it seems to us, depend to some extent at least upon the facts. If such a person refuses to accept employment other than relief work when the same is available, he would not be entitled to relief under the act unless the administrator or his agent certified to the Commission in writing that, in the opinion of the administrator or agent, such person was justified in refusing to accept such employment all as provided in Section 4 of the act above quoted.
>
> Whether a person on strike is justified in refusing to accept available employment is a matter which will rest with the determination of the Administrator or his agent from all the facts and circumstances surrounding each particular case. No doubt the Commission may make rules and regulations to guide the administrator and his agents in determining when and under what circumstances a person is justified in refusing to accept employment.[8]

After the receipt of the attorney-general's ruling no clear or definitive action with reference to this problem seems to have been taken until, on December 18, 1936, the then administrator sent a memorandum to the Relief Commission setting forth what he believed to be or ought to be the policy of S.R.A. in labor disputes, stating:

> The State Relief Commission has not confirmed or modified the Federal policy relative to aid to relief applicants who are involved in labor disputes, nor has an independent policy been stated at any time since Federal relief funds were discontinued effective December 31, 1935. It has apparently been the intent of the members of the Relief Commission that relief needs be met in the regular manner in all cases.
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> The Administration has met the emergency relief needs growing out of the serious Salinas Valley lettuce strike, involving approximately 3,000 workers for

[7] Sec. 4 of the California act, however, provided: "No person shall be entitled to relief under this Act who refuses to accept employment other than relief work when the same is available unless the Relief Administrator or his duly authorized agent shall certify in writing to the Relief Commission that, in the opinion of such Relief Administrator or his duly authorized agent, such person was justified in refusing to accept such employment."

[8] Opinion, Attorney-General of California, February 25, 1936.

a period of nine weeks, and is now faced with a much larger need growing out of the maritime strike affecting all of the port cities and areas of California. A strike is normally a temporary emergency, and an effort has been made to meet the emergency needs now existing among strikers' families. Cognizance is being taken of the fact that the unions have resources in varying amounts, have provided meals for a substantial percentage of the men, and have otherwise assumed considerable responsibility in connection with the members of their groups.

The statement which has been issued by me as a guide to administrative practice, in the event of the Relief Administration feeling the effect of a strike, is as follows:

"Unemployment relief is available only as a last resort after all other resources are exhausted. Any family which comes individually and voluntarily to an office of the Relief Administration and is found upon rigid investigation to be in need of food will be given emergency aid. Women and children will not be left to starve because heads of families are involved in labor disputes or refuse to accept employment where strike conditions exist.

"In general only emergency relief orders for food will be used in the first instance for families whose employable members are involved in labor disputes. This is on the basis of a strike being a temporary condition. Cash food allowances may subsequently be used. If the condition requiring emergency aid appears to be of indefinite duration, full relief may subsequently be given according to the need, but for as long as possible the relief should be confined to food.

"Single persons involved in labor disputes will not be given any relief except in emergencies, such as temporary illness.

"These methods are based upon the fact that organized groups of workers who enter into labor disputes certainly must assume the fullest possible responsibility for care of themselves and their dependents, and that so far as possible relief must not become a general resource of a striking group.

"Relief will be denied or discontinued whenever W.P.A. employment or any other employment is available under normal conditions."

Perhaps the current strikes will have been settled by the time of the State Relief Commission meeting but even so the effect upon the Administration now is a substantial increase in the caseload, both directly and indirectly. The intent of the Administrator is to meet the minimum emergency requirements of the individual families whose wage earners are involved in labor disputes, so far as this is possible within the limited resources of the Administration.

This statement of policy, particularly the portions concerning single persons, precipitated a bitter discusson within the Relief Commission at its meeting on December 22, 1936, as to whether the administrator was attempting to vary, without the permission of the

commission, the former "federal policy" which some of them had assumed still prevailed. Discussion of the new policy statement opened with a question by Commissioner Robert G. Hooker, Jr., inquiring "by what right," the administrator "has undertaken to make such an important statement of policy and change of policy without consulting" the Relief Commission. Elaborating his point further, Commissioner Hooker declared:

> There can be no question whatever that up until Mr. Pomeroy purported to make a change there was a definite, clearly-formulated policy. So clearly-formulated that it wasn't deemed necessary for the Commission to take affirmative action after it took over from the federal people. That was admitted by Mr. Pomeroy, by conversation with me. I don't think there can be any question as to the existence of a clearly defined policy prior to December 18. It was defined for one thing in a bulletin which Mr. Schottland got out with the knowledge and consent of all the members of the Commission. There are several very unquestionable changes in the policy that have been made in the statement by Mr. Pomeroy. I am not so much interested in going into the details because I don't think there is any question but what the changes have taken place. What I am interested in is by what right Mr. Pomeroy has made a change in the policy, which I think is a deviation of the Commission's policy, and wholly unwarranted.

In defense of the statement of policy Administrator Pomeroy replied:

> The statement being made [is] that we are reaching an exhaustion of our resources, and the Administrator presents this in exactly these words, because we reach a point where we either pursue what the Administrator understands to have been an unwritten policy of the Commission or we pursue a modification of that, and the Administrator is prepared to say that the Government has certainly reached the limit of its responsibility and there must be some point at which public funds are no longer used to become a resource of striking groups, and the Administrator is saying to the Commission that we have reached that point.

A bitter and acrimonious discussion followed. Commissioner Hooker declared that the existing policy should be continued; and Administrator Pomeroy pointed out the difficulties and expense which were entailed, particularly with reference to large union groups which consciously made use of the ability to obtain relief. Commissioner Hooker then moved that the "federal policy" be reaffirmed, and Mrs. Thomas Workman, also a member of the Com-

mission, seconded the motion. Whereupon Administrator Pomeroy declared:

> May I make a further statement before a vote is taken on this. I would re-affirm the recommendation of the Administrator that .... administrative determination be confirmed as a matter of policy for the reason that in the opinion of the Administrator there is a limit beyond which the Government can not go in the expending of tax funds as a strike resource, and that there is a belief of the Administrator that that point has been reached.

Commissioner Hooker's motion passed; and then the whole discussion was reopened with the inquiry by Commissioner Joy G. Jameson: "Let me ask Mr. Pomeroy—do you understand that you are limited by this resolution?" And Pomeroy replied, ".... it is the intent of the administrator to pursue, as an administrative matter the denial of relief to these persons, on the grounds that some resources are available, and that there may be a further legal basis for that." In further reply Pomeroy said: "It is the belief of the Administrator that up to this point there has been certainly a reasonable necessary administrative determination according to circumstances and that there has been no violation of policy, and certainly a rather definite statement has been made as to the belief of the Administrator." The immediate matter under discussion at this point was whether union membership by a single man was sufficient evidence of his having resources to disqualify him for relief. Commissioner Jameson then made the following motion: "I move that it be the sense of the commission that this resolution we have just passed be not so interpreted as to restrict the activities of the administrator, but that he continue to have the same administrative latitude he has [had] in the past." Jameson's motion was lost for want of a second. The debate continued, and finally Commissioner Hooker proposed a resolution specifically instructing the administrator not to deny relief because an applicant was a member of a striking labor union. Mrs. Workman seconded the resolution, and debate commenced all over again. Finally, the resolution lost. Only the mover and seconder voted in favor of it.

The commission's deliberations on this matter terminated in this indecisive manner. Regardless of what might be argued as to what

were its instructions to the administrator, apparently its action was interpreted by the administrator as granting tacit consent to the inauguration of this proposed policy of "administrative determination." As will be seen subsequently, rulings commenced in pursuance of such a policy and finally, almost two years later, the commission in effect ratified the new policy.

### POLICY ANALYZED

The period of "administrative determination" ushered in by the Relief Commission's tacit assent to, and later ratification of, this proposed method of dealing with labor disputes brought forth general statements of the policy and specific rulings on particular cases. Whatever else may be said concerning the new policy, it at least showed internal consistency, that is, only a few instances have occurred of differing action under similar circumstances. So, in spite of protestations that "the S.R.A. has *no* strike policy," the agency in reality had, and still has, a relatively well-defined working policy in this regard.

Inasmuch as the general statements of this policy are, in every instance, actually only partial statements thereof, a full understanding of the policy can be had only by reference to the specific rulings of the S.R.A. officials in particular cases. It will be noticed that, in many instances, the rulings do not make it clear whether the ruling applies only to former employees who had gone out on strike or whether the policy (regarding the jobs being offered) was applicable as well to the general group of clients composing the existing case load of S.R.A.

If the analysis of the policy as hereinafter will appear seems complex to the reader, it should be borne in mind that the policy of "administrative determination" requires the S.R.A. to delve into one of the most complicated phases of human affairs.

The particular instances involving rulings concerning relief in labor disputes will be discussed first with relation to instances where there is some question of whether a job, under any circumstances, is being offered by the employer to persons who are requesting relief. Next, the instances will be discussed where the dispute is not as to whether a job is being offered, but where the relief applicant

claims he is entitled to reject a job offered him because it does not meet certain standards. Finally, certain special rules apparently applicable only to applications for relief by strikers will be examined.

A. DETERMINATION WHETHER ANY EMPLOYMENT IS BEING OFFERED

As compared with the problems presented where the relief applicant or recipient concedes being offered a job but declines to take it, far more difficult and perplexing questions for the S.R.A. arise when it is necessary for it to determine whether any employment is being offered at all which the applicant or recipient might take instead of relief. Consideration of the actions taken by S.R.A. in specific disputes of this kind discloses a rather artificial distinction and difference of policy depending on whether the plant in question has been entirely or only partially closed down as a result of the dispute. This requires a division of the subject, discussing, first, situations where the operations of the immediate employer are entirely suspended and, second, situations where the operations of the employer are only partially suspended. These two groups of instances will be discussed in order.

1. *Employer's operations entirely suspended.*—There are many circumstances under which the operations of the prospective (or hypothetical) employer of a particular relief applicant or recipient may be, for the moment, suspended. The circumstances under which the shutdown has occurred might be expected to affect, if we assume the policy of "administrative determination," what would be done with relief applications. Therefore, rulings of this type have been classified and analyzed in accordance with the various types of shutdown which have occurred.

*a*) *Caused by voluntary act of employer* (*lockout*).—We may begin with the simple case of a shutdown as a result of the employer's decision to suspend operations for any reason, be it lack of orders or some other reason. A worker who becomes unemployed under such circumstances falls clearly within the terms of the California Unemployment Relief Act of 1935 (assuming there is no other job available to him). Applications of the policy giving relief in this clear situation appear frequently in the S.R.A. records.

There are other situations where the act of the employer in closing

the plant is actually voluntary, although his action is indirectly connected with his negotiations with labor organizations. A voluntary shutdown of this type has been regarded as a "lockout" of the kind which entitles the employees dismissed to relief. Examples of this type of a situation have appeared where an employer has closed down his plant pending negotiations with a union; where the stoppage is caused by a disagreement as to the interpretation of the terms of the contract under which the employees are working; where the reason for shutting down the plant was to avoid violence during a jurisdictional dispute; and even where a strike is first called and subsequent thereto the employer announces his intention to keep the plant completely closed.[9]

*b) Caused by strike elsewhere.*—Where a plant is forced to close because another plant upon which it depends for supplies is on strike, a special variant of the policy in the previous paragraph appears. The one outstanding example of this situation occurred in the strike conducted by the Steel Workers Organizing Committee against the American Can Company in 1938. In that instance a strike at the Los Angeles plant of this corporation caused its Oakland, San Francisco, and Alameda plants to shut down. Relief was denied to the Los Angeles strikers on the grounds that jobs were available to them but was granted to the employees in Oakland, San Francisco, and Alameda, although many of them were members of the same union which had gone on strike in Los Angeles.

*c) Caused by strike at plant.*—When the employees are able to call a strike of all the employees of the plant, or sufficient of its employees entirely to stop operations, relief is given, not only to the employees who would return to work if the strike were called off, but to the strikers as well. This is to be contrasted with the situation in which the strike is only partial and the plant is operating partially. In such an instance as will be seen later, the strikers are not given relief. Again, where the strike was apparently entirely effective but a method of becoming re-employed was open to the men by joining another union, relief was denied.

The policy applied in the above situation proves, upon considera-

[9] It will be noticed that these instances merge imperceptibly into the instances where acts of the employees entirely suspend operations, discussed in paragraph (*c*), below.

tion, more than a little perplexing. If one hundred men are normally employed at a plant and the entire one hundred refuse to work, they are each eligible for relief. However, the employer is undeniably offering work to the entire one hundred (or a sufficient portion of them to run the plant). The relief administration permits them jointly to refuse this work, although, as will be seen later, one or a few of the men could not individually decline the job and still receive relief. The rule in this regard seems irreconcilable with any rational theory, and yet it seems meticulously to have been applied.

*d) Caused by another labor organization on behalf of strikers.*—Frequently a labor organization is able to cause entire suspension of an employer's operations by cutting off the supply of goods to the employer. Thus, even though every former employee tendered his services to the employer, as long as the supply of goods is shut off the employer could not operate. The typical instance of this type of situation occurs when the members of the Brotherhood of Teamsters refuse to deliver goods in a plant which is on strike. They usually give, as their reason for declining to deliver goods, either that they will not pass the pickets at the plant or that they will not serve the plant which is on labor's "we do not patronize list," or "unfair" list.

Refusal by the teamsters is practically automatic when another A.F. of L. union is on strike. Recently, relief has been given in such a situation. Even where the strikers are not affiliated to the same national labor organization as the teamsters, often the striker's picket lines are respected, work is effectively prevented, and S.R.A. recently has given relief.

2. *Employer operations only partially suspended.*—Heretofore we have been considering only instances where the plant of the immediate or prospective employer of the relief applicant or recipient was entirely shut down, either because of a voluntary act of the employer or because of lack of supplies, etc. A different policy is applied where the operations of the employer are only partially suspended. The typical situation is one in which a trade-union has declared the plant to be on strike but the employer is able, either by hiring new nonunion employees or by inducing some of the former employees to come back to work, to keep some sort of operations going at the plant. Usually this requires the workers who are operat-

ing the plant to go through picket lines. The assumption in this portion of the article is that the picket line is not violent. Where physical danger is involved in going through the picket line, a different policy, which is discussed later, applies.

Reference has already been made to the 1938 strike at several plants of the American Can Company. Its Los Angeles plant, it will be recalled, was directly on strike, but the employer was able to obtain a crew which would constitute a substantial majority of a full crew. Relief was denied to persons who could obtain work at the Los Angeles plant under such strike conditions.[10]

A similar situation occurred during a strike of the Foundry Employees Union at the plant of James Graham Manufacturing Company, Newark, California. The state office of the S.R.A. instructed its county representatives that "85 per cent of the persons employed in that organization are working, going to and from their work through picket lines without any apparent danger to themselves. Our responsibility is only to determine whether or not a position is still open for these clients. If so, we cannot enter into any other phase of the dispute and it is our belief that relief should not be continued."

This policy of the S.R.A. in refusing to accept strikers for relief, or even to certify them as in need, where the plant was partially operating, at one time caused the representatives of the Works Progress Administration to threaten to take away from the S.R.A. its right to certify clients to W.P.A. During the fall of 1938 the Retail Department Store Clerks, Local No. 1100, conducted a strike against

[10] See "Statement by Harold E. Pomeroy to American Can Company Strikers," July, 13, 1938, in which Administrator Pomeroy said, "In this situation I find that there is a plant that is operating nearly normally so that there are three hundred and fifty plus workers employed in that plant out of an average of from four hundred to four hundred and fifty. Under these circumstances the Relief Administration will not extend aid to any individual for whom a job may be available in that plant"; and letter from Harold E. Pomeroy to Congressman Byron N. Scott, July 19, 1938, stating, "If a place of employment is open and work is available under reasonably normal conditions, as evidenced by the fact that work is being carried on with at least three-fourths of the normal working force, as is the case in the American Can Company plant in Los Angeles, unemployment relief can not be given to a former employee if a job is available for him at the plant."

the major department stores in San Francisco. The stores continued to operate, although on a restricted basis. The W.P.A. administrator wrote to the S.R.A. administrator pointing out that "persons affected by the Retail Clerks strike are refused certification because of a job being available even though it is under strike conditions. . . . . The Works Progress Administration in Northern California cannot approve a certification procedure that would in effect be discriminatory against any person or group of persons." The S.R.A. administrator replied: "It is the policy of the Relief Administration to contact the last employer of each relief applicant to find out if there is a job available. If a retail store clerk striker applies for relief, we find out if there is an actual job to which he can return. If there is, we deny relief and certification to W.P.A. because need does not exist. To give relief or W.P.A. certification to the Retail Store Clerks would be an out and out financing of the strike out of relief funds appropriated to help those who cannot help themselves. . . . . We decline to comply with your request that the Retail Store Clerks in San Francisco be certified to W.P.A."

Another application of the policy denying relief to strikers where the plant is partially operating occurred during the strike of the International Longshoremen and Warehousemen's Union (C.I.O.) against the Rosenberg Rice Mill in Biggs, California, during 1938. The S.R.A. was advised that twenty-eight out of thirty employees voted to join the C.I.O. union and closed down the plant. The company signed an agreement shortly thereafter with the Brotherhood of Teamsters (A.F. of L.) to put the men back to work at once, but only under the A.F. of L. banner. A number of men did return to work under those conditions and commenced operation of the mill. The remainder, estimated at fourteen men, refused to join the A.F. of L. and were not allowed to return to work for that reason. Instructions were given by the state office of the S.R.A. to its local representatives as follows: "Apparently then the plant did reopen and whether or not any employee returns is contingent upon his joining the A.F. of L. . . . . The men should be asked to return to work pending final decision as to which labor union shall represent them. It is not our policy to extend relief while . . . . conditions described above

prevail." This policy denying relief where operations are only partially suspended has brought a great volume of criticism.[11]

B. POLICY WHERE EMPLOYMENT IS BEING OFFERED

Passing now from the instances in which the S.R.A. is required to determine whether any employment at all is being offered (either at a wholly or at a partially closed plant) to the cases where it is admitted that the particular applicant or recipient could get a job in private industry, we find the S.R.A. placed in the position of having to judge which jobs may be rejected and which must be accepted. Under the "federal policy" which prevailed prior to December 31, 1935, the mere fact that the job being offered was under strike conditions was sufficient to justify a client's declining to accept it. The "administrative determination" policy in effect declared that certain, if not most, of the jobs offered under strike conditions would have to be accepted before requesting relief. However, a few fairly well-settled exceptions were established under which the client could decline private employment. Each of these exceptions will be discussed separately.

1. *Earnings must equal budget.*—Clients of the S.R.A. receive their relief payments on a scale determined by the minimum subsistence budget of the case head and his family. Rent, utilities, and food for the case unit are calculated on the lowest subsistence basis, and payments are made in that amount. A policy has been established that, since the S.R.A. budget constitutes minimum subsistence, private employment which will net the case less than their S.R.A. budget need not be accepted. The S.R.A. does not generally supplement full-time employment earnings.

Application of this policy is infrequent since S.R.A. payments are so low that all but the lowest-paid type of work nets substantially more than the S.R.A. budget. However, in certain agricultural operations the wages are often so low that this policy is brought into play. For example, during the fall of 1938 an extensive strike oc-

[11] An interesting question arises collaterally in connection with the problem of whether job opportunities exist, namely, whether the S.R.A. may rely upon the failure of the California State Employment Service to place an employee or whether private knowledge coming to the attention of the S.R.A. (that a job opportunity not known to C.S.E.S. exists) must be made use of.

curred among the cotton-pickers in Tulare and Kern counties in protest against the reduction of wages in picking cotton to 75 cents per hundred pounds. The S.R.A. accepted this wage as being prevailing (this will be discussed more fully later) and proceeded to deny relief to all persons who might earn an amount which would equal or exceed their S.R.A. budget.

The method of calculation as to whether a client could earn his budget was reduced to its finest and most extreme point in this instance. S.R.A. state officials instructed their county representatives as follows:

> . . . . We find that the average practice in families in agricultural work, particularly in cotton, is that all employable members of that family work, i.e., the man, the wife, and any adult children. It is even considered that children attending school ofttimes come into the fields to help their parents after school. Despite the wage of 75¢ per 100 lbs., the State Relief Administration must accept this as the prevailing wage, and as such should refer to employment where available those persons who could be expected to earn the equal of their State Relief Administration wage under the conditions outlined above.
>
> It is recognized that in computing whether a person could earn the equal of his budget we must take the average of what a picker could earn. We should also consider whether or not housing is furnished the family on a particular ranch. Generally that item could be removed from consideration in certain localities as housing and utilities are ofttimes furnished. Therefore our only consideration in most cases would be, can the family earn sufficient for food.

2. *Must receive prevailing wage.*—One of the elementary requirements laid down, since the policy of "administrative determination" was established, was that relief applicants or recipients would not be required to take jobs which paid less than the "prevailing" or "going" wage for the work in the community. One of the bitterest disputes which occurred regarding what constituted the prevailing wage has been alluded to previously. This was the reduction of the wage prevailing in the San Joaquin Valley for cotton-picking in 1938. At that time it was determined that the prevailing wage constituted what was generally being offered at the moment by the employers, regardless of what custom in the past had been.

Recently there have been several instances where relief has been given on the ground that a particular employer in question was not offering the prevailing wage. However, there has been a tendency

clearly evidenced on the part of the new S.R.A. officials to break away from the policy denying relief to any person who declines to take work at the wage which happens to prevail. Further evidence of the tendency recently to break away from the requirement that the prevailing wage be accepted was the action of the Relief Commission concerning a wage dispute which occurred in May, 1939, over the wage in cotton-chopping in Madera County, California. A group of cotton-choppers who were on relief had protested their being cut off relief to chop cotton at the rate of 20 cents per hour—the wage generally being offered in the community. At the request of Governor Culbert L. Olson, a hearing was held on May 9, 1939, by Carey McWilliams, chief of the Division of Immigration and Housing to determine what would constitute a fair wage for this crop operation. The wage board submitted a report to the governor declaring $27\frac{1}{2}$ cents an hour to be a "fair wage."[12]

At the meeting of the Relief Commission held May 20, 1939, the Madera hearing and its effect on the S.R.A. policy of accepting the prevailing wage were discussed. The commission passed a motion to the effect that where a wage in an industry is set by a duly authorized governmental body as a fair wage for that industry in the particular employment, the commission would accept a ruling by the administrator that relief clients would be justified in refusing work at less than the wage so established.[13] Immediately after receiving this ruling from the commission, the administrator instructed the Madera County S.R.A. representatives not to deny relief to persons who declined to take work chopping cotton at less than $27\frac{1}{2}$ cents per hour.[14]

[12] See report by Carey McWilliams, chief of the Division of Immigration and Housing to Governor Culbert L. Olson (mimeographed), May 12, 1939, and subsequently published in *Hearings before a Subcommittee of the Committee on Education and Labor*, U.S. Senate, S. Res. 266 (U.S. Government Printing Office, 1940), Part LI, p. 18963.

[13] See "The Relief Commission Policy on Acceptance of Available Employment by S.R.A. Clients," in "Unemployment Relief in California" (monthly bulletin of S.R.A., mimeographed), March and April, 1939, p. 6.

[14] It will be noted that this was the first instance of the use of the right by a relief administrator to certify under Sec. 4 of the California Unemployment Relief Act of 1935 that a job might be declined. Heretofore, all rulings of this nature had been rested upon a definition of the word "unemployment."

Extensive discussion occurred concerning the wisdom of wage-hearing procedure. Conferences were held with representatives of the large farm-employer groups to obtain their approval of some similar procedure in this field.[15] The group met in executive session on two occasions but was not able to render a unanimous report to the governor on the subject, as they had agreed to attempt to do. A meeting of state and federal officials was held in Fresno, on May 26 and 27, 1939, where, among other things, the entire matter of the setting of fair wages and working conditions through government hearings and the co-ordination of relief agencies with the recommendations of such bodies was discussed and recommendations made.[16]

The cotton-picking season during the fall of the same year confronted the S.R.A. with a similar problem. Organizations of the cotton-pickers demanded $1.25 per one hundred pounds of seed cotton, instead of the 85-cent wage offered by the growers. Since a strike was threatened, Governor Olson on September 21, 1939, designated a board of seven members for the purpose of "holding a public hearing in the San Joaquin Valley for the purpose of determining the prevailing wages and conditions being offered in that area for cotton picking this season and to recommend what would be a fair wage and fair conditions of work for this labor operation during the current season." The board was instructed to submit its findings in a report to "be delivered to the State Relief Administrator for transmittal to the State Relief Commission to be used by the State Relief Administration for their guidance in formulating policy."

The board held hearings in Fresno, California, almost immediately (with Professor R. L. Adams of the University of California acting as chairman) but was unable to reach a conclusion as to what would be a "fair wage and fair conditions of work." A majority of the board merely recommended that "relief clients should not be removed from the relief rolls unless, in each instance, they are able to

[15] See Letter to Senator Jack Shelley from H. Dewey Anderson, June 22, 1939, in *Journal of the California Senate*, June 20, 1939, p. 3376.

[16] See report by Carey McWilliams, chief of the Division of Immigration and Housing to Governor Culbert L. Olson, May 31, 1939 (mimeographed), and "Agricultural Labor Conference Held in Fresno," in "Unemployment Relief in California" (monthly bulletin of S.R.A.; mimeographed), March and April, 1939, p. 7.

earn at least the equivalent of the budget they are receiving under the State Relief Administration rules and regulations." A minority of the board declared that "a rate of $1.25 a hundred is the figure which, in our judgment, should guide the State Relief Administration in determining when relief clients should be cut off relief to accept available employment in the cotton fields this year."[17]

Before the S.R.A. was called upon to determine what to do in view of the nature of the wage board's report, the cotton strike itself came to an abrupt and violent termination.[18] While sporadic strikes occurred during the cotton-picking season in the fall of 1940, they did not cause the governor to call further wage hearings.

3. *Need not pass dangerous picket lines.*—It was always accepted, under the new policy, that a client would not be required to go through a dangerous picket line to take a job. During a strike of the packing-shed workers at El Centro, California, represented by the United Cannery, Agricultural, Packing and Allied Workers of America in 1938, the following instructions were given to the local director: "As long as a man may go to work on a given job without harm to himself or his property (I refer here to pickets who might beat him or puncture tires or otherwise harm him) we would expect him to do so even though a strike is in progress." The general policy was once explained by the then administrator as follows:

> During the Salinas lettuce strike in the fall of 1936 it was necessary for the packing houses to construct barbed wire fences around the plants and house and feed the workers on the premises. There was much violence and intimidation. The wives and children of some union workers who attempted to go to work were often threatened and sometimes molested and injured. In this situation the position of the Administration was that jobs were not available under reasonable conditions and so workers applying for relief were not referred to the packing house for employment.

4. *Clients not referred to work under strike conditions.*—A rather unusual rule has been developed which, apparently, has reference

[17] See *Hearings*, etc. (supra n. 12), Part LI, pp. 18968–18973.

[18] *Ibid.*, pp. 18633–18773. The necessity for a ruling by the S.R.A. was delayed by the fact that it had made an agreement with the California State Employment Service that all referrals for work would be made through the latter agency. The strikers gave notices of the existence of a labor dispute to the employment service, which under its rules prevented it from making referrals and, in turn, calling upon the S.R.A. for relief clients to accept employment.

only to the duty of relief recipients to take work in private employment where a labor dispute exists. As heretofore mentioned, under the rule of "administrative determination," frequently former employees have been denied relief on the ground that they might return to work at their former job although strike conditions prevailed on this job. However, the general body of clients already on relief are not deemed affected by the existence of such a job. For example, the policy was phrased by an S.R.A. county director in meeting with a strike committee as follows: "I told them that we would not send persons who might be receiving relief from our agency out to take jobs created by individuals who had left the fields to go out on strike; on the other hand, we would not give relief to strikers except where they had been unable to return to jobs either because of violence or because the employer refused to accept them." This action had reference to a strike in Orange County of employees harvesting beans and tomatoes during the 1938 season. Action of this type appears to have been rather general.

Requiring strikebreaking by former employees but not by new employees is difficult to understand. It will be noticed that clients may remain on relief although such jobs are available, not only in the case where an employer's operations have been entirely suspended, but also where the employer continues operations under strike conditions, as, for example, in the strike in Orange County mentioned above. One would think, to be entirely logical, that if a particular job (albeit under strike conditions) constitutes available employment to one person, it would also constitute available employment to another (assuming both were physically able to take the job), regardless of which had formerly held that job.

5. *Relief granted pending investigation.*—Recently relief has been extended to persons engaged in a labor dispute when a pending investigation by a governmental body was expected to result in jobs being offered to them. This was during a jurisdictional dispute between A.F. of L. and C.I.O. unions on a construction job of the United Concrete Pipe Company near Redding, California, in the spring of 1939. The then administrator instructed the county S.R.A. director to grant relief to persons who declined to take work on this job pending an investigation of the dispute either by the National

Labor Relations Board or the state legislature. This action was reported to the Relief Commission at its meeting on May 20, 1939, and agreed to by the commission, although no formal action was taken.[19]

### C. SPECIAL RULES APPLICABLE TO STRIKERS

Having examined the action taken by the S.R.A. on the underlying question of whether any relief at all would be granted, we are now in a position to examine any special rules or limitations placed upon strikers as relief clients, which rules or limitations are not applied to relief clients in general. It is frequently difficult, in examining the action taken in a particular instance, to determine whether a special policy applicable only to strikers is being brought into play or whether some one of the basic rules applicable to all clients is being given expression. For example, bulletins concerning strike situations contain warnings to the county director to ascertain whether the union has a treasury which might be used as a resource by relief applicants. Upon mature consideration it will be seen that this, in reality, does not constitute a special rule applicable to strikers, since the benefits or assets of any organization (fraternal, insurance, social, etc.) to which a relief applicant belonged which he might use as a resource would have to be drawn upon before he could obtain relief. The strike situation simply presents the relief office with large numbers of persons who have, or may have, an unusual asset of this kind. The requirement regarding use of union funds has been carried very far. For example, relief has been entirely denied where the striking trade-union has established a commissary for meals and provided groceries for families; trade-unions have been required to make use of funds available from the organizations to which they are affiliated; and before members of a trade-union, 20 per cent of whose members were on strike, was granted relief, it was declared, "we would have to be assured that the entire resources of the union groups were exhausted."

[19] The entire above section of this article has dealt with the question of whether a client is entitled to refuse a particular job. It should be borne in mind that, although the ruling may be that the client is permitted to refuse the particular job in question, there may be other work which he is required to accept. For example, a striker is often required to accept assignment to W.P.A., which is regarded as any other type of employment by S.R.A. This often arouses feeling on the part of the strikers who desire their men to remain available for picket duty, etc.

Another type of action by S.R.A. which might, on the surface, appear to be a special rule applicable only in labor disputes, is, on further consideration, seen as merely the application of general policies. In two instances during 1938, when vigilantes drove trade-unionists and their families from their homes and the unionists took refuge in Sacramento, the state capital, mass emergency aid was given by S.R.A. In the case of fugitives from Nevada City, California, the S.R.A. set up a camp and gave relief to the group. Fugitives from Westwood, California, later that year, were given individual emergency relief orders. Emergency aid of this sort would, of course, be granted when any general need arose, by fire, earthquake, etc.

1. *Restriction of aid.*—There seem, however, to be at least two types of instances in which the aid given to persons applying for relief as a result of a labor dispute undeniably is restricted to a greater degree than in general applicants for relief. In each instance opposing views are possible as to whether such a special practice actually exists or is only illusory. In any event the facts of each instance are given, and the reader can draw his own conclusion.

*a*) *Camp care only.*—During most of the period under discussion single men eligible for relief were given aid only in the form of camp care through assignment to one of S.R.A.'s "resident projects." Only a few exceptions to this policy existed. Examples of the circumstances under which men might receive cash relief involved the existence of a verified job available within a reasonable period of time, the existence of family or property ties within the community, proof of a claim for unemployment compensation benefits, etc. The usual single man, although none too enthusiastic about being sent away from his customary domicile to a barracks camp, does not often make violent objection to this policy. A striker, on the other hand, is in a much different mood. He has been making vigorous protest to an employer and does not hesitate to extend this protest to S.R.A. officials. The economic battle in which he is engaged is, to him, an exciting and important event in his life. Frequently his labor organization is calling upon him to serve on strike committees, do picket duty, and engage in numerous other activities. The last thing which either he or his labor organization desires is that he

should be sent out of the community to live in a camp during the dispute. Strenuous objection has occurred when single-men strikers were regarded as lacking sufficient community ties to justify local aid.[20]

Mention has been made of the American Can Company strike in 1938, which it seems put to test every policy of S.R.A. concerning labor disputes. During this strike persons unemployed because the Oakland plant was not operating applied for relief. The state S.R.A. office ruled that "single men be granted the opportunity of camp care." Because of the ruling an irate delegation appeared at the meeting of the Relief Commission on July 23, 1938, requesting that an exception be made in the policy of granting camp care only, on the ground that "it is necessary that the men be free to perform picket service." The then administrator stated that he "could not recommend to the Commission that an exception to the rule of camp care be made in the case of single men out on strike."

In the latter part of 1938 feeling against the policy requiring strikers to take camp care ran so high during a strike of the Monterey Bay Area Fish Workers Union, Local 23 (affiliated with the United Fishermen's Union of the Pacific, C.I.O.), that a sit-down strike was staged in the S.R.A. office in Monterey, California. Nineteen men were arrested on the ground of disturbing the peace. It is interesting to notice that, subsequent to the sit-down strike, on December 30, 1938, two days before the new state administration was to come into office, the S.R.A. reversed its action in this matter and informed its local representatives "that unattached men could be given local aid on a selective basis. Men who are part of the community and who take an active part in the community life were accepted for local aid." Thereafter, all unattached men who applied for aid were accepted for local care.

Another instance of the extension of camp care only to single men occurred during the strike conducted by Industrial Union, Local 96 (C.I.O.) against the Apex Rotarex Manufacturing Company of Oak-

[20] No clear record was found of the application of the even more stringent limitation proposed by the administrator on December 18, 1936, to the effect that "single persons involved in labor disputes will not be given any relief except in emergencies, such as temporary illness."

land, California, in July, 1938. The state S.R.A. office ruled: "It is in line with our policy that camp care only may be offered." The chief significance of these rulings lies in the fact that there appears to have been a fairly consistent inclination by S.R.A. to regard participation in a labor dispute as an insufficient tie in the community to justify waiving the policy of camp care.[21] It is, for practical purposes, of no material financial consequence or difference to S.R.A. whether local care or camp care is given, since the cost is approximately the same.

*b*) *Allowance of food only.*—The S.R.A. has established minimum standards for family relief budgets which are intended to meet the minimum needs of the case unit only for food, shelter, and utilities. Clothing and medical and dental care are provided for in special cases. Even these basic items are given only where no other provision can be made, and sometimes a family which has, for example, prepaid its rent or has adequate resources to meet one of the items is given an allowance only for other items which it cannot otherwise meet. There seems, however, to be a special policy or, at least, a presumption that persons who become unemployed as a result of a labor dispute have adequate resources to meet the items of rent and utilities and therefore will be allowed money only for food.

It will be remembered that in his original announcement of the new relief-in-labor-disputes policy, on December 18, 1936, the administrator had declared:

> In general only emergency relief orders for food will be used in the first instance for families whose employable members are involved in labor disputes. This is on the basis of a strike being a temporary condition. Cash food allowances may subsequently be used. If the condition requiring emergency aid appears to be of indefinite duration, full relief may subsequently be given according to the need, but for as long as possible the relief should be confined to food.

An example of this limitation to food alone occurred in a strike by the United Rubber Workers of America against the Pioneer Rubber Mills of Pittsburg, California, during the fall of 1938. The

[21] This was not, however, true during 1939 and the early part of 1940 when the S.R A. had a policy of "selective offering of camp care," in which "aid to employable unattached resident men" was "extended by means of local relief . . . . or by camp care."

county S.R.A. director advised the state S.R.A. office that he had been given oral instructions by a representative of the state office who ". . . . stated that no relief could be provided for these strikers but that we could certify them to W.P.A. on a service only basis. However, we did not discuss the matter of aliens. Just what can we do for these strikers who are not citizens and therefore ineligible for W.P.A.?" The state official replied: "For those particularly destitute cases it would be permissible to extend relief for food only. . . . . It would appear obvious . . . . that alien cases who are in need could be extended food only, unless the strike gets to be of such long duration that it appears advisable to step in with other relief."

A similar instance occurred during 1937 in the shutdown due to labor difficulties at the Cowell-Portland Cement Company at Cowell, California, under circumstances which the S.R.A. regarded as making the employees eligible for relief under the rules heretofore stated. However, the state office of the S.R.A. instructed its local representative "for the time being [to] continue to give food only. In extending this care give preference to families as against single men. Do not authorize rent or utilities without first clearing with us."

A labor dispute occurred in September, 1938, between the International Longshoremen and Warehousemen's Union and many San Francisco warehouses when a freight car loaded under nonunion conditions precipitated a shutdown of most of the city's warehouses. This was regarded as a "lockout" by S.R.A., thus making strikers eligible for relief. However, when instructions were given, case workers were ordered to "refuse to give S.R.A. aid except in cases of large families where the men have been out for a considerable period and resources and credit have been exhausted. In these cases, I believe food only should be authorized." The administrator took occasion at one time to explain the nature of the ruling in the warehouse matter, saying:

> The general policies of the Relief Administration respecting eligibility are being applied alike to needy members of the Warehousemen's Union and all other applicants for relief. Whenever there is a temporary condition affecting workers who are not generally in the relief group, emergency aid only is given at first in the hope that the condition will prove to be temporary. As soon as it becomes apparent that the situation creating the need of workers is probably of indefinite duration and, in any event, as rapidly as individual workers

affected by an unusual or temporary condition are in need of rent and utilities as well as food, the full relief budget of the Relief Administration is authorized. Needy members of the Warehousemen's Union are being granted regular relief in accordance with the policies of the Relief Administration applying to all applicants.

Considerable numbers of persons were given relief during the strike of lettuce workers in Monterey County, during September, 1936. Limitations reported on the extension of relief were described as follows: "Relief was limited to food only, except in the most emergent circumstances, which were usually when utilities were about to be disconnected and where there was illness or infants in the family. Rents were provided when eviction was imminent. . . . ." There have been other instances of limitation of relief to strikers to food only.

In each of the above cases it might be argued that a determination had been made that need did not exist for any budgetary items other than for food. However, consideration of the instructions given, particularly those with reference to the Pioneer Rubber Mills strike and the Cowell-Portland Cement Company strike, tends toward the conclusion that a general policy was being laid down which was not rested on a prior examination of the budgetary needs of the applicants.

2. *Disqualification because of striker's conduct.*—In addition to practices which apparently restrict the amount of aid which, under certain circumstances, is extended to persons engaged in labor disputes, other policies apparently are applied especially with reference to this group. These involve the total disqualification of certain applicants for aid because of their conduct in the labor dispute prior to application. While situations of this type are not sufficiently frequent to have developed into a definite or well-defined practice, certain actions of the S.R.A. indicate a tendency toward such a policy.

In the early part of February, 1937, a group of W.P.A. workers on a project in Monterey County went on strike. Because of this action their subsequent pay checks were reduced by W.P.A. to approximately half the usual amount. While it cannot definitely be said whether, if this strike had occurred in private industry and pay checks so reduced, relief would have been extended, in this instance the reason given for not extending relief was simply that "S.R.A.

cannot extend relief to striking W.P.A. workers." When a similar situation of a threatened W.P.A. strike occurred last year, the then administrator advised the governor that "the established policy of S.R.A. has been that we do not extend relief in a W.P.A. strike because it is regarded as a strike against the government itself." Neither of these two statements regarding "W.P.A. strikes" are entirely clear. Although it is implied that the act of striking "against the government" disqualifies the applicant for relief, it is not specifically stated whether this refers only to the situation in which the W.P.A. job remains open and the project still functions or whether it also applies to a situation after W.P.A. has declared that it will not rehire the applicant. If taking action against the government in this form disqualifies an applicant for relief, this would be the only situation of such a disqualification. Commission of a crime or other improper conduct prior to application does not, in general, disqualify persons for relief.

During the strike at certain fish canneries in Monterey, California, heretofore mentioned, the county S.R.A. director reported to the S.R.A. state office conferences with city officials concerning aid to the strikers. She reported that the city officials "did suggest that relief not be extended to the applicant if he had done picket duty." From the general tenor of the report and the acknowledgment of its receipt by the state S.R.A. office it could be assumed that this suggestion was being followed, although this point is not entirely clear.[22] If strikers in this instance were denied relief because they had done picket duty, this would appear to be another special case of disqualification because of prior conduct. Although referred to in some instances, no definite statements appear in S.R.A. records as to the effect of other improper conduct by the strikers, such as the calling of an "unsanctioned" strike, striking in violation of contract, participation in a "sit-down" strike, sabotage, violence and intimidation, etc.[23]

[22] It would be an interesting speculation—assuming that illegal action, such as picketing in violation of law, might disqualify an applicant for relief—as to whether illegal action by an employer, such as an unfair labor practice or breach of contract, would affirmatively qualify strikers for relief.

[23] The rulings of the F.E.R.A. more frequently referred to such matters. For example, it required at various times that a strike be called by a "recognized labor organization," that it not be "unreasonable and unjustified," and that arbitration de-

### EVALUATION OF POLICY

This examination of the history of the policy of "administrative determination" indicates at least that it was a major departure from the "federal policy" which had preceded it. The chief changes are (1) the requirement that former employees accept jobs under strike conditions where the plant is operating at near to normal capacity and (2) the requirement that any wage which may be prevailing at the moment be accepted, regardless of the existence of a labor dispute.

A critical scrutiny of the first point mentioned discloses certain weaknesses. If the members of a labor organization which is sufficiently strong entirely to tie up a plant are to be given the additional benefit of the right to receive unemployment relief, why should the members of a labor organization which is weaker and unable to effect a complete tie-up of their employer's operations be denied relief? Such a practice is difficult to justify on rational grounds or principles of good social work. The actual effect of this practice on the economic and industrial life of the state is definitely to strengthen the unions among the crafts or groups already organized and to hamper the unionization of the unorganized industries—in most cases the mass-production industries. Furthermore, it is difficult to read into the California Unemployment Relief Act of 1935 any requirement that the S.R.A. shall help the strong and refuse assistance to the weak.

The second practice, namely, that of granting relief (assuming the strikers are not eligible because the plant has been entirely closed down) only where the employer is offering less than the "prevailing wage," has many repercussions. In spite of protestations of "neutrality" in labor disputes this practice in effect places the full economic weight and force of S.R.A. squarely behind the maintenance of the *status quo* in wage scales. All persons would admit that there is no necessary justice or propriety in the scales which happen at the present moment to be in effect. It could be, and is, rationally argued that strict neutrality in labor disputes would be better observed if the relief authorities were to state that the minimum sub-

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cisions be respected. These rulings, however, have reference in most cases to the system of adjustment of industrial disputes which the N.R.A. vainly attempted to set up through its codes.

sistence budget of the S.R.A. constituted a "floor" below which strikers and their families would not have to drop when engaged in an industrial dispute. It should be borne in mind that the meager relief payments of S.R.A. would seldom be regarded as an adequate substitute for wages by a striking employee and that, assuming relief were given, an incentive still would exist for the speedy settlement of labor disputes.

During the 1934 nation-wide textile strike a joint statement on this subject was issued by the Rt. Rev. John A. Ryan, of the social action department of the National Catholic Welfare Conferences, Rabbi Sidney E. Goldstein, chairman of the social justice commission of the Central Conference of American Rabbis, and James L. Myers, industrial secretary of the Federal Council of Churches as follows.

> It is our earnest opinion that hunger should not be allowed to become the arbiter in industrial conflict. Relief should be given where manifestly needed. No issue can be said to be settled according to justice in which hunger has been the main compulsion in defeating labor, when the other party to the controversy has at least something to eat.[24]

In commenting on the same matter at a later date, Dr. Myers made the further observation that

> a strike is, in the last analysis, a test of resources. The employer to be sure almost invariably loses profits during a strike, but in order to maintain his position he does not have to go hungry nor hear his children cry for food. Throughout American industrial history, in one conflict after another the striker has come back to work, convinced of the justice of his cause, but forced to accept employment on any terms so that his children may eat. It is futile to say that the public should be "neutral" in a strike situation, that officials should refuse to "subsidize" a strike by giving relief to the needy families of strikers. To refuse relief to needy families because the wage earner is on strike is not "neutrality" but a particularly cruel method of strikebreaking.[25]

There will doubtless be differing views upon the two points mentioned above. In all events, it is clear that the whole policy of "administrative determination" should be subjected to a thorough reexamination in California and in all other states where a similar policy has been adopted.

San Francisco, California

[24] James L. Myers, "Relief for Strikers' Families," *Survey*, LXX (October, 1934), 307.
[25] *Ibid.*

# THE STEPFATHER IN THE FAMILY[1]

ADELE STUART MERIAM

WHAT obligation does a stepfather have for his stepchild? This question, raised from time to time by a case worker in planning for the treatment of one of her families, calls for a study of the legal position of the stepfather in relation to his stepchild. Although social workers are usually informed about the relation between the parent and his child, as to the stepparent—his obligations and his rights regarding his stepchild—their knowledge is usually vague.

The question may be raised as to why such information has any value for a case worker. The problem arises so seldom that many case workers have not even become aware of it. There is little demand for this information. While it is no doubt true that in a large number of cases the legal position of the stepfather in relation to his stepchild is not important, in certain ones exact knowledge as to the stepfather's obligation becomes fundamental in planning for the family.

In one situation, mentioned by a worker who was giving service to a family, a middle-aged colored woman complained that her "no 'count" second husband just never gave her money, or at least not more than a dollar or two a week, and she and her two boys couldn't get along on that. These two sons were both in school; one, age eleven, was about to finish grammar school and just had to have "nice clothes for junior high." The mother had suffered from heart trouble for several years and had been receiving help from the relief agency prior to her marriage to her second husband. She and her two sons got along comfortably then with a regular income, even though small. However, when Mr. Black joined the family while he was temporarily out of work, and married the mother, the relief

[1] This article is taken from the introductory chapters of Miss Meriam's recent "Social Service Monograph" published under the same title by the University of Chicago.

agency would help no longer. Mr. Black got work as a chef. He was nice at times, but when he got to drinking he simply would not bring the money home. According to the mother he seemed fond of the boys and they of him, but that does not pay the rent or feed and clothe the family. If through case-work treatment Mr. Black does not voluntarily contribute to this family's support, is there any way of compelling him to do so, or must his stepchildren become the responsibility of a public or private relief agency? What are his legal obligations to these children?

Another worker told of her problem with a Mexican family. Mr. Espereldo had been "going with" a widow for several years, during which time Mrs. Savella gave birth to twin girls by him. He was devoted to his children, but he earned only eighteen a week as a laborer, and Mrs. Savella had four children under sixteen by a former marriage for whom he thought he would have to assume responsibility if he became her second husband. He was, therefore, unwilling to take the step, even though he was devoted to his own children. Knowledge of the legal duties of the stepfather was helpful in this situation to enable the family to make a better plan.

A widow and her three children were receiving aid for dependent children since the mother was incapacitated for employment. She had been seeing Mr. Johnson for three years, often having him in the home over night. Her conduct was having a very undesirable effect on her adolescent daughter who, copying her mother's example, was staying out all night with boys. This mother did not go out with men other than Mr. Johnson, and he was very fond of her children as well as of her; however, he earned only ninety a month as a night watchman, and he couldn't marry her and care for her three children on that. What alternatives could a worker suggest who knows the legal position of a second husband?

### THE STEPFATHER AT LAW

Another purpose of this study is to indicate the limitations of the existing law in dealing with that group of dependent children who have been deprived of one parent by death, divorce, or some other cause, and have acquired a stepfather on their mother's remarriage. What are the provisions already governing their relationship, and

in what respects does the present law neglect to provide for the welfare of these children?

An examination of this question showed the stepfather to be a "forgotten man" in the law library. He is given but a paragraph or two in the standard textbooks; he has found a place in the statutes of only six states—whose legislatures have enacted the principles governing the stepfather and his stepchildren. He has been recognized in the judicial decisions of the courts, though usually this recognition is only incidental to the major point at issue in a given case. The principles found in the decisions of the state courts regarding the legal position of the stepfather form the bulk of this study and will be traced from their origins in the earlier decisions to their present interpretation.

One hundred and five cases have been considered covering thirty-one states and a period ranging from 1790 to 1939. Three leading British cases[2] which have been cited frequently in the American decisions are also included in the discussion. References to these cases were obtained from the *American Decennial Digests* and from the citations found in legal textbooks. All the cases there mentioned have been considered. Those which have been selected for presentation were the ones thought to illustrate most clearly the principles discussed, those showing a decided change in the trend of the law, and those most often cited by the courts of states other than the state in which the decision had been reached. In spite of the large geographical area covered, it is not thought that the selection of cases from various states makes the principle illustrated any less significant. The courts in their decisions have readily crossed state lines for precedents, and with the exception of New York, where there has been a distinctive statute since 1929, the same principles seem to have been applied in all the states.

Changes wrought by time will have an effect on the significance of a principle. During the earlier period considered, woman's status of complete legal domination by her husband would tend to increase the hardships facing the stepchild. While the mother as a widow may have had property which enabled her to support her dependent

[2] *Tubb* v. *Harrison*, 4 T.R. 118 (1790); *Stone* v. *Carr*, 3 Espin. Ni. Pr. Cas. 1 (1799); *Cooper* v. *Martin*, 4 East 76 (1803).

children, on her marriage this property was no longer under her control, but during their marriage became her husband's property for purposes of control and management. Thus the fact that her second husband on his marriage to the mother incurred no liability for her children by a former marriage would be much more serious at this period in history than it has been since the early twentieth century when a woman has been able to retain her separate property in spite of her marriage.[3] Where she has dependent children it would be expected that she would put this property into use for their support if it were necessary. With the enactment of more adequate guardianship laws, the problem of the stepfather as guardian would become less serious since his actions would be under closer supervision so that abuse of his trust relationship would be less likely to occur than in the earlier period covered.

Though interest may lie in the direction of what the stepfather can be made to do for his stepchild, the law as to the obligation of the stepfather imposes only a limited compulsion. Few of the cases considered have come into the courts over the obligation of the stepfather to support his stepchildren, representing action either by his wife, by friends of the children, or by third parties to compel him to pay for their support or for necessaries furnished. Litigation has arisen rather over the settlement of property inherited by the child, which is being administered by the stepfather, or over property of which he has become guardian, over the question of the stepfather's right to the earnings of his stepchild, or over the right of the stepfather to recover from his grown stepchild for the support given this child during minority. These cases deal for the most part with situations in which the stepfather has already supported his stepchild and wishes to recover the cost of this maintenance. Their settlement does not determine whether or not a minor child in need of support is to obtain this support from his stepfather, but rather considers whether the stepfather is entitled to compensation for support already given a child. Many of the cases depict problems where the

[3] Grace Abbott (*The Child and the State* [Chicago, 1938], I, 8) points out that by the early twentieth century the common-law provision whereby woman lost all control of her property on her marriage had been supplanted by statutes giving her separate property rights or community rights with her husband in control of their property.

stepchild has property, so that he does have a possible means of support independent of his stepfather. A situation which receives only limited representation in the cases considered is the very important one in which a stepchild, still an infant, has no means of support other than his mother and stepfather. If the stepfather is unable or unwilling to provide for this child, to what extent does the Aid for Dependent Children provision allow relief for these unfortunate stepchildren? Some of the cases which have arisen over issues other than support of the stepchild by his stepfather, cases arising over the right of the stepfather to recover for injury to his stepchild, or of the stepchild to recover for his services, reveal situations in which the stepfather has assumed responsibility whether or not the child has property from which the stepfather might expect reimbursement.

### PRINCIPLES GOVERNING THE RELATIONSHIP OF THE STEPFATHER TO HIS STEPCHILDREN

The legal position of the stepfather in relation to his stepchildren has developed largely through judicial decisions. Principles governing their legal relationship are not for the most part determined by legislative enactment but are rather a growth of common law. Literature on this relationship is not extensive but is limited to brief statements in textbooks which give it a passing paragraph. For those who seek only a brief digest of the basic principles governing this relationship without delving into the ramifications of these principles in their application by the courts to specific individuals and their individual problems, references are given here from standard textbooks in law. These principles, thus briefly stated, have been derived from judicial decisions on the relationship of the stepfather and the stepchild, some of which will be discussed briefly here.

Before the principles governing a relationship are discussed, perhaps for clarity, a definition should be given of the parties to that relationship. Just who is a stepfather, and who is a stepchild? Webster gives these definitions:

*Step:* A prefix used before father, mother, brother, sister, to indicate that the person thus spoken of is a relative only by the marriage of a parent.
*Stepfather:* The husband of one's mother by a subsequent marriage.
*Stepchild:* A child of one's wife or husband by a former marriage.

Since "step" is used to denote a relationship established by law rather than by blood, it is interesting to note that in some of the earlier decisions regarding the stepfather, "father-in-law" was the term used rather than "stepfather," and "son-in-law" rather than "stepson."[4]

The subject of the stepfather and his stepchildren is considered under the law of parent and child. Where the children are living in the home of the stepfather the relationship is similar, since the stepfather, as the adult male in the family group, is usually the head of the home, the "father" person, and his stepchildren, being the younger members of the family, and usually dependent, are similar to the natural children. This parallel does not go any further, however, except in special circumstances.

### THE STEPFATHER AS A STRANGER

If a woman is left a widow with minor children dependent on her for support, one would expect that a man who marries her would take her with her obligations. If the support of her children constitutes a part of her debts, in assuming responsibility for her debts, he would assume also the responsibility for his stepchildren, who are a part of this burden. This view was held by some American courts,[5] but, though there was not in the earlier English decisions a consistent policy as to the liability of the stepfather for his stepchildren, there was in 1790 a leading decision that he was under no obligation to maintain the children of his wife by a former marriage, which established this basic doctrine.[6]

The earliest case on the stepfather's liability for support in the United States arose in 1808 over the claims of both a fifteen-year-old boy and his stepfather for the right to recover for the boy's services in the employment of Mr. Brown. James's father was dead and, his mother had married a second husband, Robert Pierce. During 1805 James lived in the family of his father-in-law (thus was the stepfather designated in the earlier cases considered) and was maintained by him during the year. However, James became a fisherman

[4] *Freto* v. *Brown*, 4 Mass. 675 (1808); *Inhbts. Parsonfield* v. *Inhbts. Kennebunkport*, 4 Me. 47 (1826).

[5] See *Beard's Estate*, 1 Pa. County Ct. Reps. 283 (1885).

[6] *Tubb* v. *Harrison*, 4 T.R. 118 (1790).

on Brown's fishing schooner for the season, and it was for the balance of his earnings while so employed that this action was brought. Both James and Mr. Pierce, his stepfather, claimed the right to these wages. The distant relationship between the stepfather and his wife's children was expressed in the opinion of the court.

> The father in law is not obliged to maintain the plaintiff, and consequently is not entitled to his earnings. While the plaintiff lived in his family, and was maintained by him, he must be considered a servant "de facto" as to strangers, who cannot question the right of the father in law to his minor's earnings. But this rule cannot bind the minor. He may quit the family at his own discretion, and can make no contract he cannot avoid, except for necessaries. The father in law may recover against him for necessaries upon an implied "assumpsit," but he cannot claim his earnings against the minor's consent. If he could, the earnings might greatly exceed the expenses of maintenance; the while of which the father in law would receive, and the next moment might turn him out of doors.

It had been intimated by the stepfather in his claims that the mother was guardian of the child by nature and that therefore her right devolved on her husband. The court did not recognize any such transfer of rights:

> We know of no such right of devolution. If the right devolved, the duty must also devolve, but it is clear that the father in law is not obliged to maintain his children in law, whether the mother be living or dead.[7]

Not only did the law recognize no obligation on the part of the stepfather to provide for his wife's children, but, according to the statements in some of these early decisions, the mother on her marriage to a second husband was considered as having surrendered her obligation to her dependent children.

Since the stepfather had no legal obligation to provide for his stepchild, he had the right to collect after the child had reached majority for any necessaries furnished the child during his minority. Mr. Gay was allowed to recover for such an expenditure in a suit in 1830 against his stepson. In 1819 Mr. Gay married Mrs. Ballou, when her son was seventeen years old. The boy resided in New York with his stepfather for a period of three and one-half years. During this period his stepfather furnished the boy board, lodging, washing, mending, and expenses for his attendance in school, as

[7] *Freto* v. *Brown*, 4 Mass. 675 (1808).

well as his bills to merchants, physicians, tailors, and shoemakers. Just before the Ballou boy reached majority, his stepfather presented him a bill for $346 for these items. Ballou made no objection, but expressed a willingness to settle for the amount. However, when the referees allowed his stepfather $186.91, Ballou sought to have the report set aside. The court upheld this judgment, claiming that Mr. Gay had no legal or moral obligation to support his wife's child by a former marriage. The items furnished to the boy were held to be necessaries, suitable to the condition of the defendant. Though it would be necessary that the stepfather have an express promise to pay for items other than necessaries, an implied promise with necessaries was considered sufficient for the stepfather to recover.[8]

The absence of any claim by the stepfather to the earnings of his stepsons is indicated in a Kentucky case in which two boys sought to recover their earnings which they claimed their stepfather had wrongfully appropriated for his own use to purchase some land. He appealed from a judgment in their favor claiming that he was entitled to a portion of these wages for their clothing, board, and doctor's bills. The father of Daniel, Harvey, and Millie Jones died in Kentucky in 1866. Mr. Boyd married Mrs. Jones, his widow, the following year. After the marriage, Mr. Boyd hired out his three stepchildren for the greater part of each year until and including 1874. Dan and Harvey, in urging their claims against him, held that part of the consideration for their services had been that their hirer give them board and clothing. When the children were in their stepfather's home, they were required to earn their board and clothing through their labor for him. While ordinarily he might have been allowed for their board and clothing, under these circumstances the court felt he was not entitled to such an allowance. These boys were held to be entitled to a lien on the land purchased with their earnings as compensation for their earnings taken by their stepfather.

Although not appointed their guardian, he has assumed not merely to illegally hire them out, but to collect the proceeds of their labor, to which they, not he, were entitled, and thus to act as guardian, and should therefore be held

[8] *Gay* v. *Ballou*, 4 Wendell, N.Y., 403, 21 American Decisions 159 (1830). This was, however, overruled twenty-one years later by *Sharp* v. *Cropsey*, 11 Barbour, N.Y., 224 (1851).

accountable for the money as if he had been a regularly appointed guardian; and there is no room to doubt that the money belonging to them was invested in the land.[9]

The cases thus far cited have shown that the stepfather by his marriage incurred no legal liability to support his stepchildren and provide them with a home, even though by his marriage to the mother he might deprive them of their means of support from her property. These cases for the most part have shown situations in which the stepfather has given his stepchildren the care they required but has subsequently required payment from them or from their estates. Care has been given, but with a subsequent bill attached. An interesting problem is presented by the situation in which the stepfather, having no legal obligation for his stepchildren, might not wish to have them in his family. Since the stepfather is not compelled to father his stepchildren, what alternatives has he? From the cases studied it would appear that for the most part he has taken upon himself to furnish a place for his stepchildren in his home with their mother. Perhaps by a prenuptial agreement he has arranged to care for them. No case studied represented a situation in which he refused to take care of his stepchildren and this refusal was made a legal issue. However, in two of the cases studied, the facts show situations in which the stepfather apparently took no responsibility for his wife's children, even with expectation of payment for their care.

In 1849 the town of Dennysville, Maine, sought to recover for funeral expenses of Elias Bilbarb and for supplies given his family. The town claimed that Elias was a resident of Trescott, having acquired his residence there from his mother, Mrs. Daley, who made her home in Trescott following her second marriage. Trescott claimed that Elias had not acquired residence there since he had been emancipated by his mother before she acquired such residence. Here the facts show that Elias was born in 1814, his father having no settlement in the state of Maine. After his father's death his mother, in 1821, married Daniel Daley, Elias then being seven years of age. The record indicates that the boy did not reside with his mother following this marriage but acted for himself, working for whom he

[9] *Boyd* v. *Jones*, 2 S.W. 552 (Ky., 1887). This case does not seem to be included in the reports of the decisions of the Kentucky court of appeals.

pleased, binding himself to different persons, remaining with one master for four or five years. He visited his mother occasionally, being advised by her to take care of himself and to be a good boy. The court held that the boy never gained residence in Trescott, having been emancipated by his mother on her marriage.[10] Reference is also made by the court to the fact that the stepfather had no liability for the support of his stepchild, and that the parental relation subsisting between the mother and her son had been surrendered by her through an implied emancipation.

A clear rejection of all responsibility by the stepfather is indicated in a Massachusetts case in 1880. The issue arose between the town of Brookfield and the town of Warren, Massachusetts, over which town should assume responsibility for a pauper, Albert Walker. Brookfield claimed that Walker's ten-year residence in Warren from 1847 to 1857 made him the responsibility of that town. Warren claimed that his residence there was interrupted by his application within the ten-year period to the overseers of the poor to have his stepchildren taken to the almshouse to be supported by the town, he, too, thereby becoming a pauper. The court held that since he was under no legal obligation either at common law or under the pauper law to provide for these children, his application as their stepfather for aid from the town did not make him a pauper, and Brookfield was allowed to recover.[11] Though the details are not given in the case, it can be gathered that the stepfather, if he chose to do so, could, as far as the law was concerned, transfer all responsibility for his stepchildren onto the public.

These earlier decisions of the first half of the nineteenth century creating between the stepfather and his stepchildren the relationship of strangers seem particularly severe because of the status of the mother during this period. Children deprived of their father by death would be at least under the protection of their mother and, if she had means, not entirely without support. However, on her marriage to a second husband, not only did they become no responsibility of their stepfather but they also lost the former protection of their mother, who on her remarriage surrendered to her husband the

[10] *Inhbts. of Dennysville* v. *Inhbts. Trescott*, 30 Me. 470 (1849).

[11] *Inhbts. Brookfield* v. *Inhbts. Warren*, 128 Mass. 287 (1880).

control of her property.[12] While the law afforded the child no protection, it is probable that in the arrangements for a remarriage, the mother was not entirely unmindful of the welfare of her children and generally would have made a more satisfactory arrangement for them than was indicated in the two cases just cited.

### THE "IN LOCO PARENTIS" RELATIONSHIP

From the doctrine that the stepfather has no liability for his stepchildren, a departure has been made creating under certain circumstances liabilities and rights found to exist in a given case.

Whether or not the stepfather is to be responsible for the support of his stepchild depends on the nature of the relationship he assumes toward the child. The cases studied show that judgment in a particular case is based on the determination of whether or not the stepfather has assumed an *in loco parentis* relationship toward his stepchild, whether in his dealing with the child he has placed himself in the position of a parent, and whether he has taken the child into his own family and cared for the child as if his own. If this has been the relationship established by him, then he becomes with certain exceptions liable for the child's support. He is also responsible to other parties who have furnished necessaries to this child, and he may not claim compensation for care he has furnished his stepchild if the child subsequently acquires property against which he wishes to make a claim.

This principle was first observed in an English case in 1799, which was subsequently referred to on its acceptance in this country. A schoolmaster, Mr. Stone, brought action in assumpsit against Mr. Carr for the education and maintenance of an infant child, son of the wife of Mr. Carr by a former husband. Mr. Carr, on his marriage to the widow, took possession of a house she occupied with her children, which had formerly belonged to her first husband, and continued the business her first husband had carried on prior to his death. The children continued to live with the family and were cared for by the stepfather while he was in the home. Mr. Carr, who was

[12] Under common law the wife had no right to control her own property. For the statutes that have been enacted in the several states granting the married woman separate property rights see *The Legal Status of Women in the United States of America, January 1, 1938* ("U.S. Women's Bureau Bulletins," No. 157), pp. 1–49.

a gunner on an Indian ship, left on a voyage, and during his absence, his wife placed her son out to school. The schoolmaster brought action to recover for education and maintenance of this child. Mr. Carr contended that he had made no contract with the teacher and that he could be charged with no implied liability, since a husband was not liable for the support of his wife's children by a former marriage. Lord Kenyon distinguished this case from *Tubb* v. *Harrison*,[13] in which the husband had refused to provide for his wife's child by a former husband and was held not liable. Mr. Carr had assumed responsibility for his stepson and was consequently liable to the schoolmaster for the child's education and maintenance.

> If a man did not so refuse to entertain them [the stepchildren], and took the children into his family, he stood *in loco parentis* as to them. Such was the case here; he had so adopted them, and having gone abroad and left them in the care of his wife, he should hold him to be bound by her contracts made for their maintenance and education.[14]

Seventy-one years elapsed before this principle was used in the United States as the basis for a decision as to the stepfather and stepchild relationship. Up until 1850 the doctrine seemed to govern that stepchild and stepparent were as strangers to each other, and that neither had any rights, duties, or obligations toward the other. Two cases decided in 1850, however, distinguished the situation in which the stepfather had taken his stepchild into the family and thus created between them the relationship of parent and child. Both of these have been cited often in subsequent decisions as to the relationship between stepparent and stepchild.

In 1850 Charles and Daniel Williams brought suit in New York for wages in payment for services they had rendered their stepfather, Mr. Hutchinson. When the stepfather married the mother of these two minor sons, he took them into his household and raised them as his own children, treating them as members of his family, furnishing them with necessaries, caring for them as his own. They in turn rendered service to him in the management of his farm. They were not allowed by the New York Supreme Court to recover for these services. Though the stepfather is not entitled to custody

[13] Was discussed in the preceding section as a basic case to the "stranger" doctrine of the stepfather.

[14] *Stone* v. *Carr*, 3 Espin. Ni. Pr. Cas. 1 (1799).

or earnings of children of his wife by a former husband or bound to maintain them, yet if they live with him as family members, without an understanding that he pay for their services or that they pay for their maintenance, the law does not imply a promise to pay. Here the same rule applies as between members of a family, no presumption arising of promise of payment for services rendered. The exchange of benefits between members of a family is prompted by other motives than the desire for gain. Even though the service rendered by the two Williams boys probably exceeded in dollars-and-cents value the cost of the care given by Mr. Hutchinson, the benefits these boys derived from the relationship established could not be measured in money value. The stepfather stood *in loco parentis* to his stepsons and faithfully discharged his duties, furnishing them needed clothes, food, education, and training in industry. He could not subsequently be charged for services they rendered to him under this relationship.[15]

Suit was brought the same year in Pennsylvania by Jacob Frey and his wife against her stepfather, Mr. Lantz, to recover for Mrs. Frey's services while a member of his family. From a judgment in her favor, the stepfather appealed, but the superior court reversed the decision, claiming she was *not* entited to recover for these services. Mrs. Frey was nine at the time of her mother's marriage to Mr. Lantz, and on the request of her stepfather, left her uncle's home to come to live with his family. She was raised as his children were, and there was no contract of any kind regarding his reimbursement for her support or her compensation for services rendered. Mr. Lantz cared for her until she married at nineteen, providing her food, clothing, and education. She claimed that she worked faith-

[15] *Williams* v. *Hutchinson*, 3 N.Y. (3 Comstock) 312 (1850). Regarding its decision as to the parental relationship established the court made the following comment: "The policy of the law seems to be to encourage and protect that relation—to encourage an extension of the influence of the domestic fireside. And unless compelled by some rigid rule of law we should not by our decision establish a rule calculated to deter the husband from adopting his wife's children by a former marriage into his family. The marriage with the mother, it has been held, severs the relation which would otherwise exist between her and her children, as guardian of their person. If, therefore, the husband voluntarily adopts them into his family, educates and supports them as a parent and a good citizen, the law should be liberally construed in his favor. It is a disposition which must add vastly to the happiness of the mother, and to the children its advantages can scarcely be estimated."

fully while in his family, that she was but poorly clad, was not sent much to school, and that she worked like the other members of the family. It was pointed out that her right to recover for her services depended on the existence of a contract, express or implied. She made no claim of there having been an express contract, and between a child and a person standing *in loco parentis* there could be no implied contract. Where the relation of adult protection and infant dependence exists, the infant expects naught but shelter, food, clothing, and education, the adult enjoying whatever services the weaker party is able to render. The girl was in the house of her stepfather as a member of the family, not as menial or hireling, and could not, therefore, recover for her services.

The court commented that the decision of the lower court granting recovery to Mrs. Frey was apparently an attempt to allow recovery because of neglect on the part of her stepfather to discharge properly the duty he owed, to compensate her for his neglect and harshness. Such a claim could not be considered in an action to recover for services rendered. Here the principle of the law had to be maintained, even though perhaps unjust. The court pointed out the danger of allowing a child to recover for services rendered in the home of a stepfather where the child is a member of the family.[16]

### THE ESTABLISHMENT OF THE RELATIONSHIP

Whether the stepfather is to assume responsibility for support, whether he is entitled to the earnings of his stepchild, what the rights and duties are between the stepfather and his stepchild, and

[16] *Lantz* v. *Frey and Wife*, 14 Pa. 201 (1850). The court said: "But I may say that any device, designed to enable the child of a widowed mother to assume toward a second husband the attitude of creditor for services rendered while in the family as a member of it, ought to be discouraged because of the results it must inevitably produce. Men will decline to extend their protection and aid to orphan children, at the hazard of being exposed to suits at law on the suggestion of ill-natured neighbors or exacting friends, that the stepchild has been harshly treated or inadequately provided for. Every one of the least experience knows how difficult at best it is to escape such imputations; and should we permit cynicism to be stimulated by the chances of encouraged litigation it will be difficult to foresee the extent of evil which will be produced. That one who assumes the office of parent may so grossly violate the duties appertaining to it, as to subject himself to answer at the suit of the injured party is possible; though I am unaware of any example of such action. Certainly it will not lie against a natural parent, and many reasons might be urged for extending the same immunity to him whom the law, for many purposes, regards as a father's substitute."

in relation to outside parties, these questions are determined on the basis of whether or not in any particular case an *in loco parentis* relationship is found to exist. Its existence is to be determined by the facts in a given case rather than by a determination of law. It might be expected that a matter of such significance to the decision in a particular controversy would be a determination fraught with controversy and disagreement between the contesting parties. To the contrary, however, the decision as to whether or not the relationship between a stepfather and his stepchildren was a quasi-parent-child relationship has been simply determined from the indications of the cases studied. In seventy-five, or three-fourths, of the cases studied, the question was raised as to whether or not such a relationship existed between the stepfather and stepchildren, the other issues being determined accordingly. In about sixty of these such a relationship was held to exist. For the most part a simple statement such as the fact that the stepfather had taken the child into his family, that he had treated the child as a member of the family, or that the stepfather had supported and educated the child as his own, was the limit to which the cases went in determining the existence of an *in loco parentis* relationship. Though several cases gave more detailed and positive evidences indicating the existence of the relationship, the rule of the court seems to be that care given by the stepfather to his stepchild will be assumed to have been given gratuitously, with the stepfather assuming a parental relationship, unless he can establish definite evidence that it was not his intention to render such service without compensation. For example, by evidence of an agreement with the child's guardian or by other contract for his support, he may refute the assumption that his support was voluntary.

Unless the child has been taken into the home of the stepfather as a member of the family, there is no basis for an assumption that he has assumed a parental relationship which would entitle him to the child's earnings. Mr. and Mrs. Swedenborg brought action in Indiana in 1875 against Mr. Hollingsworth to recover wages earned by Mrs. Swedenborg's daughter, Christena. In 1867, the mother, a widow with a minor daughter, Christena, had married Manuel Swedenborg. Soon after their marriage, the mother entered into an

agreement with Mr. Hollingsworth that Christena should work for him at $2.00 a week from October, 1867, until August, 1870. Mrs. Swedenborg claimed that she was to have received the child's wages. Mr. Hollingsworth said that he had paid $114.60 of the amount earned by Christena, and that the balance was used for food, clothes, and spending money he furnished the girl. Since the girl had not lived in the family of her stepfather, Mr. Swedenborg was held to have no right to recover his stepchild's earnings. The court said:

> The stepfather cannot be made liable for the support of his wife's children by a former marriage, and there would seem to be no good reason why he should, in an action in her name or in both their names, recover the wages of the child. *Had the minor daughter lived in the family of the stepfather and been supported by him, he would have been entitled to her services, unless a contract to the contrary had been made* [italics mine].[17]

A stepfather, Mr. Freeman, appealed from an alimony award of thirty-five dollars a month, granted by a circuit court in Washington County, Kentucky, to his wife for the support of herself and her child by a former marriage. Here the stepfather was held not to be liable for a stepchild who was not living with him. Laura and S. W. Freeman married in 1887, she being twenty-six and he sixty at the time. In about two months they separated. He then conveyed to his sister-in-law, a woman without means, his land and property in return for which she should pay his debts, care for him, and give him decent burial. His wife, Laura, claimed alimony from this property wrongfully transferred. Laura had been married twice before her marriage to Mr. Freeman and had one child under five by her second marriage. The court held that the stepfather was not liable for the support of his stepchild, not a member of his family, and the allowance of the lower court was reduced. "We know of no right the chancellor has to charge the husband with the support of a child by a former husband, *when the wife and child are not living with him.* No rule, either legal or equitable, authorizes it."[18]

Cases showing positive evidences of the existence of an *in loco parentis* relationship will next be considered. Where a stepfather has taken the child of his wife into his home, how is it to be known that

[17] *Hollingsworth* v. *Swedenborg*, 49 Ind. 378 (1875).

[18] *Freeman* v. *Freeman*, 11 Ky. Law Rep. 822 (1890).

he assumed a parental relationship to the child? In 1906, Mr. Lyon married May Harris, mother of a ten-year-old-child, Emma. His wife died the following year, leaving no estate except an interest in 160 acres of land in Yuma County, Arizona, filed by the mother in 1903 under the Federal Homestead Law. Following the death of Emma's mother, Mr. Lyon arranged that Emma should live with her maternal grandmother, and he would furnish housing, clothing, food, and medical attention, generally providing for them. The grandmother served as housekeeper, and the stepfather provided a home, taking a room with them for his own personal use. He exercised parental rights over the child, controlling and supervising the conduct, education, and employment of Emma. On one occasion he actually whipped her because she was disobedient. From 1907 until 1912 he assumed this responsibility merely as her stepfather without any legal obligation. In March, 1912, he had himself appointed guardian both of her person and her estate. He improved and cultivated her homestead grant and in 1913 secured the patent issued to the heirs of his wife. When he sought settlement of his ward's account, he wished to charge her $5,773.33 for her care and maintenance during the six years from 1907 until 1913, and was granted this by the lower court. The child's guardian *ad litem* claimed, however, that her stepfather had no right to these allowances since he had voluntarily assumed responsibility for Emma's support and had no right to collect for expenditures made prior to his appointment as her guardian, and the Supreme Court of Arizona held that he, though not legally liable, had assumed responsibility for his stepchild. Having advanced money to the child, he had no right to recover on an implied contract. He had never kept any account of his expenses in her behalf nor showed any intention of recovery until her property rights developed. Consequently, the relationship he assumed was considered a parental one, and the support he had furnished was held to be gratuitous.[19]

Nathan Lieberman, when, in 1922, he married Lillian Lieberman, a New York divorcée with a three-year-old child, Edith, made the child assume his name, discarding her own, and did not want her to know her real father. Though Edith was never adopted by her stepfather, she was held out as his child. In 1934, after he had arranged

[19] *Emma J. Harris* v. *William H. Lyon, Guardian*, 16 Ariz. 1 (1914).

with Dr. Cohen for dental services for Edith, he attempted to avoid paying a balance of $150 on a bill of $350, claiming that as stepfather he was not liable. The court, in holding him responsible for the payment of the bill, said that if a stepfather stood *in loco parentis* he had the same liabilities as the parent. In this case there was no question but that he had assumed such a relationship to Edith.[20]

When Kenneth Caskey, in 1926, married the mother of Arthur Stevens, then twelve years old, the boy was brought from the home of his grandfather in Tennessee to his stepfather's home in St. Louis, Missouri. He was treated as a member of the family and was introduced as the son of Mr. Caskey, attending school as "Butler Caskey," joining the church and the Boy Scouts under that name. His stepfather signed his school reports, took control of him, directing and instructing him as to his conduct, demanding obedience, and punishing him for his wrongdoing. Arthur worked about the home washing clothes, scrubbing the kitchen, waxing floors, taking out the ashes, cleaning, dusting; he washed his stepfather's car; he turned over to his stepfather his earnings made during the summer as a counter boy in a dairy. When his stepfather, who had been appointed guardian in 1928, attempted, in 1936 in a settlement of the guardianship account, to charge the boy for the cost of his support, the court would not allow recovery, since the facts so clearly showed that Mr. Caskey had dealt with the boy as a natural parent would have dealt.[21]

While these cases have shown situations in which the stepchild had been received into the family so that no compensation for support could be expected, there are other situations in which the child is also given care by the stepfather as a member of the family, but this support is not considered as having been given gratuitously. The assumption is that such support is given gratuitously unless the stepfather is able to show evidence to the contrary. Perhaps by an agreement with his stepchild's guardian, or by an agreement with his wife prior to marriage, he may be able to rebut any assumption that he expected to assume responsibility for his stepchild without compensation. In 1880 James Sheridan married the widow of Pat-

[20] *Cohen* v. *Lieberman et al.*, 284 N.Y.S. 971 (1936).

[21] *In re Stevens' Estate*, 116 S.W. 2d 527 (Mo., 1938).

rick McCormick in Pennsylvania. Her two children, Mary and Thomas, lived with their mother and their stepfather. Though these children were entitled to a pension, no guardian was appointed to receive this pension until 1884. Meanwhile Mr. Sheridan provided for the care and maintenance of his two stepchildren with the understanding that he should be repaid for this care from their pensions when they were allowed. Their guardian, however, on his appointment, refused to reimburse the stepfather for his expenses in behalf of the children, claiming that Mr. Sheridan had received them into the family. The Court held that evidence showed that the minors before their mother's second marriage were expecting pensions and that the stepfather furnished their support with the understanding that he should receive a share of it, his own means being limited. This understanding was held to overcome any assumption that his care had been furnished gratuitously.[22]

At the time Mary Grossman married Mr. Lauber in 1849, she was dependent for the support of her children, ages three and five years, on the income of her land in Indiana. He took them to his house, furnished them with a home, and, for eight years, cultivated their land, one-third belonging to their mother, and one-ninth to each of them. On the request of their mother he agreed to clothe and educate the children in return for the use and occupation of the lands and for the timber removed from it. He, however, claimed as part of his setoff an allowance for expenditures in their behalf, and the court held that he was entitled to such an allowance, saying that though ordinarily it is presumed that a stepfather in making a home for his stepchildren does so voluntarily, here there was no basis for such an assumption. His claims were based on a contract with the mother of the children that he should care for them in return for the use of their land, even though this compensation was inadequate.[23]

Where the stepfather has entered a contract with the guardian of his stepchild to give care and support for compensation, there is no basis for an assumption that such care was given under an *in loco parentis* relationship. A marked divergence of viewpoint is brought out between the decisions of the lower and upper court in a Pennsyl-

[22] *In re McCormick's Estate*, 1 Pa. County Ct. 517 (1886).

[23] *Grossman* v. *Lauber*, 29 Ind. 618 (1868).

vania decision as to the right of the guardian to enter a contract with the stepfather for the support of his stepchild. The decision of the Supreme Guardian Court was that the stepchild not only could contract with the stepfather for support but that such a contract overcame any presumption that the stepfather had assumed gratuitously the responsibility for the support of his stepchild. Mr. Beard died in 1864 leaving two children, Ida, eleven, and Jessie, four. Besides their father's small estate, $500 cash, and ten acres of land, the children were also entitled to a pension. Their mother married Mr. Hammond in 1866, and for a year the family lived on her farm, then moved to a larger farm he purchased. The children were kept and clothed as farmer's children, being sent to school summer and winter, and helping with the chores and housework. The children's guardian contracted with the mother, and subsequently with the stepfather after her death in 1868, that the pension money should be used for the support of the children. The pension money received from 1867 to 1876 amounted in all to a sum of $1,307.28. The Orphan's Court, objecting to the guardian's use of the money, held him accountable for this amount plus interest, claiming he was guilty of gross misconduct and negligence in making any allowance to the stepfather for support of his stepchildren. The lower court regarded the fact of his marriage to the mother as creating an *in loco parentis* relationship.

> The stepfather had actually gotten himself a home upon the children's land, but demanded for himself and his wife the pittance the children were entitled to receive from the government, earned by the life-blood of their own father; and we find a complaisant guardian bartering away their whole income to one who was entitled to claim it neither in law nor in morals. . . . .
>
> A man marrying the widow of minor children takes the children along with the mother. The stepfather stands as to them *in loco parentis*. He is responsible for their maintenance and education so long as they continue to reside with him. The minor child receives shelter, food, clothing, and education and, in return, gives to such parent whatever service, physical and moral such a child can give. No device nor expedient can be successful which will enable the minor child of a widowed mother to assume toward a second husband the attitude of a creditor for services rendered, or of a debtor for food and clothing.
>
> These principles show good law, good morals, and good common sense, and to the facts in this case are particularly applicable.[24]

[24] *In re Beard's Estate*, 1 Pa. County Ct. Reps. 283 (1885).

On appeal of Mr. Brown, the guardian, to the Pennsylvania Supreme Court, he was not held accountable for payments made to the stepfather of his wards, and his agreement with the stepfather was considered a special contract with the stepfather which overcame any assumption that an *in loco parentis* relationship existed between the stepfather, Mr. Hammond, and Ida and Jessie Beard.[25]

An interesting statement concerning policy in the determination of the existence of an *in loco parentis* relationship occurs in a decision of the Alabama Supreme Court in 1884, which is one of the leading decisions on the subject of stepfather's responsibilities. David Englehardt, executor of the last will and testament of his deceased wife, made certain exceptions to the rulings of the court in settlement of the estate of her first husband, John Yung. Mr. Yung died in October, 1873, in Montgomery, leaving a widow and four children. The following month, his wife, Louisa, secured letters of administration of his estate and continued to administer it until her death in April, 1878. In 1875 she married David Englehardt, with whom she and her children resided up until the time of her death; the children remained with him subsequently. When Englehardt filed accounts for the settlement of her first husband's estate, he allowed his wife credit of $3,024 for the support, maintenance, and education of her minor children during the period of her administration of the estate. Their guardian *ad litem* objected to these allowances claiming that the mother had owned a separate estate of $13,000 with an income of $800 a year, out of which she was obliged to support her children, and that the fact that she kept no account books showed her intention was that they should be supported gratuitously. The children inherited from their father $20,000 in realty and cash. When the lower court disallowed credit to the mother's estate for the support of her children, Mr. Englehardt appealed, and was allowed these items by the Supreme Court.

The court held that while the father had duty and obligation to educate and maintain his children whether or not they own property, the mother had no such obligation. If the children had no property, the mother had an obligation to provide for them where she had the means, but here the children had an estate of their own. On the

[25] *Brown's Appeal*, 112 Pa. 18 (1886).

mother's remarriage she ceased to have control of her own property, and her obligation ended. The stepfather, having right neither to the custody nor the earnings of his stepchildren, was under no obligation to support them. By placing himself *in loco parentis*, and admitting them into the family, clearly assuming a parental relationship toward them, he could create such an obligation. However, this relationship is not to be lightly construed to exist but should be clearly shown.

> This is also, to a great extent a question of intention; and such intention should not be slightly nor hastily inferred, and from such circumstances as to operate to deter stepfathers by the apprehension of being burdened beyond their ability, from continuing and keeping his wife's children in such relation with their mother, as to receive her constant watchfulness, care, and training, and the beneficial enjoyment of her companionship.[26]

Because only a temporary responsibility was assumed by the stepfather for his stepchildren, his relationship toward them was not considered *in loco parentis*, as claimed in a California decision in 1921. Their father was allowed, therefore, to recover for their services to the stepfather while they resided in his home. Mr. Wardrobe and his wife were divorced in 1907 in California, and he was awarded the custody of their three children—Edward, six; Raymond, four; and their younger sister, two. He kept the children in a children's home for five years, then kept them with him for six years until January, 1919, while they attended public school. Following a violent quarrel with their father in January, 1919, in which he actually came to blows with Edward, the children left the home of their father in the middle of the night, going to the home of their stepfather, Charles Miller, whom their mother had married. Mr. Miller, fearing subsequent trouble with the father of the children, did not wish to receive them into his home, and did so only on the solicitation of their mother. The boys helped with the milking, irrigation, and hauling of grain on their stepfather's farm, and after their arrival, he dispensed with the services of three hired men. While the boys were in the stepfather's home they received no wages. He and his wife bought them clothes, gave them money for shows and school dances, and received them into the family. In August, 1919, after

[26] *Englehardt* v. *Yung's Heirs*, 76 Ala. 534 (1884).

Edward had a disagreement with his stepfather, he and his brother returned to their father's home. In 1921, their father brought action against Mr. Miller for payment for the services of his sons. Mr. Miller claimed that he had no obligation to pay wages as he had taken these boys into his home, establishing an *in loco parentis* relationship to them, and was entitled to their services in return for their support. The court held that Miller had received these children into his family on a temporary basis, that an *in loco parentis* relationship existed only when a more permanent relationship was intended, with the obligation of support. The father, not the stepfather, was therefore entitled to the earnings of the boys.[27]

The cases cited give some indication of the interpretation the courts have given in establishing the existence of an *in loco parentis* relationship between a stepparent and his stepchild. In about sixty out of seventy-five cases in which the nature of the relationship was a problem, the court held that such a relationship had been established. If the stepfather takes the child into his home at all, it is assumed that he does so voluntarily, and only by evidence to the contrary does the stepfather remove the presumption that his support was given gratuitously. He has further to show that it was his intention at the time he took his stepchild into his home to charge for his support and cannot decide to obtain compensation a long period after he has assumed responsibility.

JUVENILE COURT
OF THE
DISTRICT OF COLUMBIA

[27] *Wardrobe* v. *Miller*, 53 Cal. App. 370 (1921).

# THE SOCIAL SERVICES IN A FEDERAL SYSTEM

H. M. CASSIDY

## CRISIS—AND A ROYAL COMMISSION

THE Canadian federation, constructed three-quarters of a century ago to unify the struggling colonies of British North America, has had an uneasy history. It was difficult to bring about Confederation in 1867 on account of the diverse interests and traditions of the original provinces, and it has been difficult since then to make the system work to the satisfaction of the constituent elements. Group and sectional cleavages, notably those of French versus English and of the industrialized East versus the agricultural West, have been serious obstacles in the way of national unity. During the great depression of the 1930's the problem of divergent interests came to a head, largely because of the breakdown of public finances in some provinces and in many municipalities on account of enormous increases in social service costs. The constitution, it appeared, which gave to the provinces major responsibility for dealing with the social problems of economic depression, was not adapted to the needs of the time. Constitutional reform was imperative. But what form should it take? How could the fundamental problem of federalism, the distribution of functions and responsibilities between the central and the regional governments, be solved to the satisfaction of powerful group and sectional forces? There was no agreement; controversy raged; political discussion led to no solution; the courts made the situation worse by their interpretations in leading cases; public impatience grew apace; there was even talk of secession in the West; and competent journalists asked whether there was to be in Canada "one country or nine."

This was the problem that was presented for consideration to the Royal Commission on Dominion-Provincial Relations, appointed by the Dominion government on August 14, 1937. In May, 1940, after nearly three years of work, the *Report* of the Commission was issued in two volumes of 556 pages (each twice the size of an ordinary book page), with a third volume of statistical and documen-

tary material.[1] In addition, there were published supporting research studies consisting of separate reports on public finance statistics for the Dominion and each of the nine provinces and of seventeen monographs on various subjects.

The *Report*, with its supporting studies, represents a great enterprise in political stock-taking. It is of the greatest significance to Canada, for it points the way to a revised federal system that will fit the stubborn socioeconomic facts of the present Canadian scene. To Americans it should be stimulating and suggestive, for it deals exhaustively with the great question of federal centralization versus states' rights in a setting similar in many respects to that of the United States. Students of social welfare in the United States should find it of particular interest, because social service problems were largely responsible for the appointment of the Commission and because its leading recommendations are addressed to their solution.[2] It is mainly the social service aspects of the Commission's work that will be reviewed here.

[1] A full list of the Commission's reports and studies follows: *Report of the Royal Commission on Dominion-Provincial Relations*, Book I: *Canada: 1867–1939* (pp. 261); Book II: *Recommendations* (pp. 295); Book III: *Documentation* (pp. 219) (Ottawa, Can.: King's Printer, 1940; $1.00 a set). Appendix 1, *Summary of Dominion and Provincial Public Finance Statistics* ($2.00); Appendices A–K, *Public Finance Statistics* for the Dominion and the provinces separately ($5.00 each); Appendices 2–8 (printed, 50 cents each); (2) D. G. Creighton, *British North America at Confederation* (pp. 104); (3) W. A. MacKintosh, *The Economic Background of Dominion-Provincial Relations* (pp. 102); (4) D. C. MacGregor, J. B. Rutherford, G. E. Britnell, and J. J. Deutsch, *National Income* (pp. 97); (5) Esdras Minville, *Labour Legislation and Social Services in the Province of Quebec* (pp. 97); (6) A. E. Grauer, *Public Assistance and Social Insurance* (pp. 98); (7) J. A. Corry, *Difficulties of Divided Jurisdiction* (pp. 44); L. M. Gouin and Brooke Claxton, *Legislative Expedients and Devices Adopted by the Dominion and the Provinces* (pp. 60); mimeographed studies (50 cents each): J. A. Corry, "Growth of Government Activities since Confederation" (pp. 174); A. E. Grauer, "Labour Legislation" (pp. 292), "Public Health" (pp. 126), and "Housing" (pp. 78); Stewart Bates, "Financial History of Canadian Governments" (pp. 309); H. C. Goldenberg, "Municipal Finance in Canada" (pp. 128); F. A. Knox, "Dominion Monetary Policy (1929–1934)" (pp. 93); W. J. Waines, "Prairie Population Possibilities" (pp. 77); S. A. Saunders, "Economic History of the Maritime Province" (pp. 148); W. Eggleston and C. T. Kraft, "Dominion-Provincial Subsidies and Grants" (pp. 200). The *Report* and the research studies apart from the Public Finance Appendices A–K are available at an inclusive price of $10.

[2] These problems are discussed in an article by the writer, "Public Welfare Organization in Canada," *Social Service Review*, XII (December, 1938), 619–39.

The five members of the Commission were well equipped by training and experience to approach their great task intelligently and objectively. All were outside of active political life and unconnected with partisan interest groups, yet all had for long been close students of public affairs in Canada. They were representative of (although they did not "represent") the five distinct regions of the country, the Maritime Provinces, Quebec, Ontario, the Prairies, and British Columbia, whose interests must be reconciled in a workable federation. The chairman was Hon. Newton Rowell, chief justice of Ontario, highly respected for his intellect and his integrity. Mr. J. W. Dafoe, editor of the *Winnipeg Free Press* and dean of Canadian journalists, was a Prairie man. Two able political scientists, Professor H. F. Angus and Professor R. A. McKay, were drawn from British Columbia and the Maritimes, respectively. The Quebec member was another professor, Dr. Joseph Sirois, professor of constitutional and administrative law at Laval University. Mr. Justice Rowell was unable to continue his duties on account of ill-health, and he was succeeded as chairman by Dr. Sirois in November, 1938. To assist them the Commission recruited a research and advisory staff made up largely of economists, political scientists, and lawyers from the Canadian universities. Thus the academic point of view was well represented in the Commission and its technical staff. It is not surprising, therefore, that the research and thinking on Canadian social and economic problems which has been going on in the universities during the last twenty years should be reflected abundantly in the *Report* and the research studies of the Commission.

A great mass of evidence was submitted to the Commission. Public hearings were held throughout Canada—at Ottawa and at the capital city of each province—on eighty-five days during 1937 and 1938. These attracted much public attention and were extensively reported in the press. The provincial governments (except those of Alberta and Quebec, which refused to co-operate) presented extensive briefs, and individual ministers, civil servants, and technical witnesses also presented their views. Besides these "official" witnesses summoned by the Commission, there were hundreds of others, representing groups of all kinds having any concern at all with public affairs—from the Canadian Association of Social Workers to the

Communist party. The terms of reference of the Commission, to conduct "a reexamination of the economic and financial basis of Confederation and of the distribution of legislative powers in the light of the economic and serial developments of the last seventy years," had been sufficiently broad to encourage these diverse groups to apply for hearings. These requests the Commission wisely decided to grant, even when submissions far removed from constitutional issues were proposed. Thus the views of the Canadian people on the functions and the duties of government and on the policies which government should pursue to overcome depression and human want were laid before the Commission pretty thoroughly. The evidence mounted in all to about 10,000 mimeographed pages, supported by 427 documentary exhibits. To supplement this basic material the Commission arranged for a large program of independent research by its own staff.

### THE COMMISSION'S DIAGNOSIS

The first volume of the report, *Canada: 1867–1939*, is devoted to an analytical survey of the growth of the Canadian federation. Confederation was designed to give the British North American colonies certain economic and political advantages of union (including a capacity to resist any tendency of the United States to play an imperialist role in the West!) and at the same time to leave them in control of all matters not clearly affected with a national interest. The powers of the Dominion and the provinces, respectively, were set forth in some detail in a written constitution, the British North America Act, which the British Parliament passed at the request of the Canadians. To the provinces there was given jurisdiction over education, health, welfare, municipal affairs, "Local Works and Undertakings," administration of justice "in the province," agriculture and immigration subject to the rule that no provincial act should be "repugnant to any Act of the Parliament of Canada," "Property and Civil Rights in the Province," and "Generally all Matters of a merely local or private Nature in the Province." The Dominion was expressly given jurisdiction over money and banking, defense, external relations, the regulation of trade and commerce, postal service, patents and copyrights, the criminal law and penitentiaries, and

all other matters not specifically assigned to the provinces. In addition it was given power to disallow provincial legislation. Economic development—the building of roads, railways, and canals, the opening-up of land for settlement, and the encouragement of new industries—was conceived to be the great task of the central government, for which it must have broad powers, including the right to raise money by "any Mode or System of Taxation."

Since the functions of the provinces, such as education, health, welfare, and control of municipal affairs, were not considered to be particularly expensive they were left (to quote the Commission) "with but fractions of their former revenue sources" (I, 46) by virtue of the provision that they must limit themselves to "Direct Taxation within the Province." The Commission reports that "the transfer of the dynamic, expanding functions of government to the Dominion while the provinces retained those which were thought to be static or likely to decline explains the lop-sided division of the revenue sources of the time" (I, 46). The provisions of the constitution which have been mentioned and other evidence lead many Canadians to believe that the Fathers of Confederation contemplated a strong central government to which the provinces would be quite subordinate—an interpretation which the Commissioners support in part.

If this was the intention of the framers of the constitution, it has not been realized in practice. Enthusiasm for a strong central government waned shortly after Confederation, and during the long depression of the 1870's and the 1880's a "states' rights" doctrine emerged that was to be vigorously championed by several generations of provincial politicians. Issue after issue of legislative jurisdiction arose that demanded interpretation of the constitution by the Supreme Court of Canada and the final court of appeal in London, the Judicial Committee of the Privy Council. In a number of important decisions the Privy Council limited the powers of the Dominion and broadened those of the provinces, particularly by interpreting the property and civil rights clause of the constitution to cover a very broad area. In consequence, the residuary powers under the constitution were largely transferred from the Dominion to the provinces. The financial powers of the provinces were

strengthened by decisions that interpreted "direct taxation" to cover taxes on corporations and sales taxes, thus opening the way for the use of similar taxes by both the Dominion and the provinces. The culmination of this limitation of federal and strengthening of provincial powers by the courts came in 1937 when the Privy Council declared invalid five important statutes adopted by Parliament in 1935 as part of Premier R. B. Bennett's "New Deal"—three of them providing for nation-wide standards of minimum wages, maximum hours of work, and weekly rest periods, the fourth for a national system of unemployment insurance, and the fifth for national control of the marketing of agricultural products. As the Commission points out, "The Canadian dilemma over social legislation was thus sharply outlined. The constitution forbids the Dominion to establish uniform labour legislation of general application, and despite the unrestricted taxing power of the Dominion, the possibility of framing any contributory social insurance scheme of nation-wide extent which could be validly enacted by the Dominion is open to the gravest question" (I, 249). Moreover, "the constitution as it stands today divides the power of regulating economic activity between the provinces and the Dominion. A great deal of the business activity of today is national in its scope and cannot be easily divided into intra-provincial and extra-provincial aspects for the purpose of regulation" (I, 252).

Contrary to the expectations of the Fathers of Confederation, the functions of the provinces became relatively more, rather than less, important as time passed. By the beginning of the present century the provinces and their municipalities had established elementary health and welfare services and were operating extensive educational systems. The coming of the automobile demanded great outlays for highways. "The War," to quote the Commission, "hastened considerably the acceptance of the philosophy of the social service state in Canada" (I, 111), and between 1921 and 1930 public welfare expenditures[3] by all governments increased by 130 per cent, with 80 per cent of the total amount in 1930 being carried by the prov-

[3] The commission's calculations under the general heading "Public Welfare" cover expenditures on public health, public assistance, child welfare, and mental hygiene services, and also the operating costs of departments enforcing labor legislation.

inces and the municipalities. The Dominion's share would have been very much smaller had it not, in 1927, passed an old age pension act which provided for federal assumption of 50 per cent of the costs of old age assistance schemes adopted by the provinces.

While there were complaints from the provinces, notably the Maritimes, about their limited revenue sources and other grievances incidental to their position in the federal system, they were generally able to carry their expanding obligations so long as the Canadian economy was flourishing. This happy condition prevailed, with only minor setbacks for short periods, for the four decades following the beginning of the "wheat boom" about 1890. Relatively good economic conditions both limited demands for social services and guaranteed good revenues to the provinces and the municipalities, thus hiding the potential extent of their obligations and keeping a fundamental constitutional problem in the background.

But the inappropriate division of functions and powers between the Dominion and the provinces was sharply brought to light by the great depression of the 1930's. Canada was particularly susceptible to the shock of world-depression, for her economy was based upon the export of wheat, lumber, newsprint, mineral products, and other raw materials or semiprocessed goods, with the secondary manufacturing and service industries of Ontario and Quebec depending largely for their markets upon the primary producers. Prices dropped calamitously, trade fell off, national income per capita fell by 48 per cent from 1928–29 to 1933, and average unemployment in 1933 rose to about 650,000—at least 25 per cent of the country's working force. This economic setback would have been most serious if it had been evenly distributed by economic groups and by regions. But it was not. The burdens of depression were concentrated particularly upon certain groups and areas, notably the farmers of the West, the workers in exporting industries, the raw-material-producing districts of the various provinces, and the working-class municipalities surrounding the larger cities. The Prairie provinces, the great wheat-producing area of the country, were particularly hard hit, partly because serious drought conditions appeared concurrently with the lowest grain prices in all Canadian history. The Commission says that "total income in the area fell almost by half and agri-

cultural income by almost four-fifths, from the 1926–29 average to the 1930–37 average. These bare statistics, however, cannot convey the full measure of the Western debacle, with its shattering blows to living standards, to adequate nutrition, to health services, to educational standards, to community equipment such as highways, and to individual hopes and dreams and ambitions" (I, 197).

As in the United States this meant relief for the destitute, and relief on a huge scale. The demands for assistance were first made upon the municipalities, and they promptly turned to the provinces. The provincial governments, with their revenues shrinking, called for help from Ottawa, and by the fall of 1930 the Dominion Parliament passed the first unemployment relief act, to provide for grants-in-aid to the provincial authorities and, through them, to the municipalities. This was the first step in a great unemployment relief system which has been continued to the present and which involved the expenditure of about $1,000,000,000 of public funds—federal, provincial, and local—from 1930 to 1937. As the depression continued other health and welfare costs also increased, so that by 1937 the outlay for public welfare was about $250,000,000, or 25 per cent of public expenditures for all purposes. Education cost an additional $109,000,000, or 11 per cent of the total costs of government. By 1937 the Dominion government was bearing 44 per cent of all public welfare costs, mainly on account of its large grants-in-aid to the provinces in connection with unemployment relief and old age pensions. But even these heavy contributions, distributed mainly on a percentage-of-cost basis, did not solve the financial difficulties of governmental bodies. Many municipalities were bankrupted, the western provinces had to be assisted by emergency Dominion loans, and deficits became general. The incidence of the depression varied greatly as between the provinces, so that "the costs of relief varied inversely with the ability to meet them. . . . . The weight of the burden in Saskatchewan, the Province most severely affected, was about five times as great as that in the Maritimes and Ontario, the Provinces least affected" (I, 164).

Thus problems of the social services, through their effects on public finance, played a major part in the creation of the constitutional

crisis which the Commission was charged to investigate. The Commission states that

> the growth in government expenditures and functions has not fitted the simple pattern which was set up in 1867. . . . . Public welfare, the outlay upon which was negligible in 1874, took more than one-third of the provincial revenues in 1937. Thus [total] expenditures which were virtually non-existent at Confederation absorbed nearly 60 per cent of total provincial receipts on current account in 1937. . . . . The share of the total costs of government borne by the Dominion, which possesses the broadest base of taxation, fell from two-thirds to less than one-half [I, 245].

At the same time the provinces have been permitted, by virtue of interpretations of the constitution, to enter the field of indirect taxation, so that tax duplication between the Dominion and the provinces has developed. This has made for an inefficient, uneconomic system of taxation, substantially regressive, within which "neither the Dominion nor the provinces, nor both together, have been able to employ the progressive taxes to the extent that is socially and economically desirable" (I, 245). Dominion efforts to meet the financial needs of the provinces by means of conditional grants-in-aid, particularly for unemployment relief, have not led, in the estimation of the Commission, either to financial justice or to satisfactory administration of the subsidized services. The Commission's conclusion is that there is needed "some redistribution of the functions [of government] as between the Dominion and the Provinces, . . . . a better allocation of taxing powers and responsibilities," and adjustment of "the revenue sources to the functions so as to ensure that every unit of government will be financially able to meet its recognized responsibilities" (II, 246).

### THE RESEARCH STUDIES

Lying back of this composite diagnosis of the Commission and pointing the way toward the recommendations is the work of the numerous specialists who were called in to explore and to report upon particular aspects of the problem. The results of their work appear in the separate research studies, each one published under the writter's name and as an expression only of his own views. Together with the Commission's *Report* these studies make up a veritable library of information about the social, economic, political, and ad-

ministrative problems of Canadian federalism. Some of them should be of great value to students of federalism in the United States and elsewhere, since they deal searchingly and suggestively with problems that are common to every federal system.

Dr. A. E. Grauer, formerly head of the school of social work at the University of Toronto, prepared four monographs on the social services entitled, respectively, *Public Assistance and Social Insurance*, *Public Health*, *Labour Legislation*, and *Housing*. These are useful accounts of the anatomy, if not the physiology, of the major social services in Canada, for they bring together for the first time a mass of factual material on historical background, statutory enactments, case loads and expenditures, division of functions between the three branches of government, administrative organization, and major policies. If they do not get far beneath this official surface into questions of administrative practice and procedure, this can be explained, in large part, by the poverty of the literature of the social services in Canada. In consequence, Dr. Grauer had little in the way of basic monographic material upon which to draw, and he was obviously compelled, in the limited time at his disposal, to rely for his information chiefly on statutes, regulations, and other official documents and reports, supplemented by official replies to questionnaires. This lack of inquiry into administrative realities would not have mattered if they were unimportant factors for consideration by the Commission. They were, however, very important, and the Commission does not appear to have given them sufficient weight in reaching its conclusions.

In his study on *Public Assistance and Social Insurance* Dr. Grauer presents an unattractive picture of unemployment relief in Canada over the last ten years. Work relief was generally found to be too expensive and direct relief, administered by the municipal authorities with the greater part of the costs being met by Dominion and provincial grants-in-aid, has been the chief method of assistance. Hence, "the method of treatment is still basically that of poor relief" (p. 24)—with poor relief characteristics all too common, such as lack of uniformity from place to place, inadequate standards of assistance, lack of classification of applicants, administration by untrained personnel, and lack of constructive measures of rehabilita-

tion. Partly because the unemployment relief scheme was conceived in 1930 as an emergency measure and "partly because of the general political considerations that apply to Dominion-provincial relations in all conditional grants, the Dominion Parliament has not attempted to lay down standards for administrative practices and procedures, such as personnel, eligibility for relief, scope and scales of relief, inspection, and so forth" (p. 37). Nor have the provinces gone far in the setting of administrative standards for their local authorities. The unemployment relief scheme has involved constant "haggling between governments which has been the bane of grants-in-aid from the beginning" (p. 38). With respect to the other main system of welfare grants, that for old age pensions whereby the Dominion government since 1931 has met 75 per cent of the costs of provincial schemes, Dr. Grauer concludes that there has been less difficulty because the problems of administration have been simpler, but that the experience has been far from satisfactory. "There is no ground," he says, "for believing that the Dominion can exercise effective control over the administration of such a grant, extending to procedures and personnel, without causing grave inter-governmental friction. Certainly no attempt has been made to do so" (p. 51).

A major aspect of the conditional grant problem in Canada is brought out by Professor Esdras Minville, of L'Ecole des hautes études commerciales, Montreal, in his study on *Labour Legislation and Social Services in the Province of Quebec*, although he scarcely mentions the subject and is apparently unfamiliar with the technical issues involved in it. Nevertheless, by indirection he gets to the heart of this problem as well as of other problems of intergovernmental relationships in the Canadian setting. The writer suspects that the Commission was more interested in obtaining from him and in having available for publication the "Quebec point of view" than a competent technical analysis of the Quebec social services. If this was the objective, Professor Minville has done his work admirably. He begins with a substantial statement of Catholic doctrine on social policy and proceeds to describe how this has influenced the development of social services in his province, where the great majority of the population is French and Catholic. Until re-

cently, he points out, the church has carried the main burden of social welfare. The intervention of the state during recent years on a scale comparable in range of interest and in expenditure with that of other provinces he interprets as a reinforcement rather than a displacement of the earlier activities of the church. "In the province of Quebec," he says, "the organization of social welfare is in private initiative, and Catholics are generally agreed that it must so remain. Let the state intervene to make up the deficiency, to complete, but never to displace or dominate" (p. 97). Since Dominion measures to deal with unemployment—through either conditional grants, direct administration of assistance, operation of unemployment insurance, stabilization of the labor market, or other means—would have to be bureaucratic schemes of nation-wide application, the Quebec doctrine of social welfare would inevitably be violated. Hence the control of social insurance, relief, and other social services should remain in the hands of the Quebec government, and the "Dominion Government, by relinquishing taxation, should allow the province to collect the funds necessary to its requirements" (p. 87). Professor Minville does not add, as he might well have done, that Quebec has been the least willing of all the provinces to accept and to observe the modest conditions thus far attached by the Dominion to grants-in-aid; and that it has been in a strong position to flout Dominion control by virtue of the fact it is practically impossible for any political party to have a majority in the Canadian House of Commons without substantial representation among the Quebec members, who hold 65 out of the 245 seats.

Professor W. A. Mackintosh, of Queen's University, in the main economic study prepared for the Commission,[4] develops the familiar theme of an economy dependent for prosperity upon specialized exports, such as wheat and newsprint, which is liable to sharp regional variations in income. In consequence, he concludes, "the maintenance of government activities on their present scale will require larger inter-regional transfers of income at times" (p. 9). Professor W. J. Waines, in another study,[5] reaches the striking conclusion that land settlement in the West offers no hope for the unemployed of the

[4] *The Economic Background of Dominion-Provincial Relations.*

[5] "Prairie Population Possibilities."

cities, for the Prairies have but small prospect of supporting greater population than at present. Professor Stewart Bates, in his monograph on "Financial History of Canadian Governments," reviews the public finance experience of the Dominion and of the nine provinces separately. He points out that even in recent years, when one-third of the national income has been directly redistributed by government, there has been no uniformity of fiscal policy, and that grave difficulties have been inherent in the practice of the Dominion, the provinces, and the local authorities, each pursuing policies designed to meet only their own real or apparent needs. It is essential, he concludes, that the country have an integrated fiscal system, and that it develop a "skilfully unified fiscal policy," which, while it "cannot, of course, prevent such depressions as that after 1939, might do much to mitigate their severity" (p. 13). Mr. H. C. Goldenberg, in his study on "Municipal Finance in Canada," shows that the financial strains and stresses upon municipalities in recent years have arisen mainly on account of the great expansion in importance of three major functions—education, public welfare, and highways. Variety, he points out, is the essence of the municipal finance problem. Many municipalities are utterly unable to finance their functions properly, even with present systems of assistance from the provinces, while some are at the other extreme of financial security and comparatively low taxation. At the same time the 3,500 municipal units in Canada vary greatly in size, in population, and in other characteristics, and a great many are not suitable administrative units. There is needed, Mr. Goldenberg thinks, a thoroughgoing program of municipal reform, involving redistribution of functions as between the provinces and the municipalities, reorganization of municipal units, and provincial grants to the municipalities varied in accordance with some criterion of needs. Evidently Mr. Goldenberg does not oppose conditional grants-in-aid from the provinces to the municipalities, nor does the Commission advise against this, although it does not make its position on this point very clear.

Several political and administrative studies also deserve brief mention here. Messrs. Wilfred Eggleston and C. T. Kraft, in their monograph on "Dominion-Provincial Subsidies and Grants," sketch

the efforts that have been made by the Dominion to meet the perennial demands of the provinces for financial assistance, first by a system of unconditional subsidies dating from Confederation and later by the addition of conditional grants for a number of special services. Messrs. L. M. Gouin and Brooke Claxton, in their study on *Legislative Expedients and Devices Adopted by the Dominion and the Provinces*, show how both the Dominion and the provinces have been straining against the limitations on their powers imposed by the British North America Act. They state that "a consideration of the constitutional conflict illustrated by the 160 cases brought to the Privy Council shows both the Dominion and the provinces insisting upon their rights, stretched to the utmost limits allowed by the courts .... and shows how unlikely it would be for the Dominion and the provinces to cooperate to deal with any important and controversial question" (p. 5). Professor J. A. Corry expresses more sharply than any of his research colleagues the political difficulties of the Canadian Confederation in his two monographs on *The Growth of Government Activities since Confederation* and *The Difficulties of Divided Jurisdiction*, and the Commission has drawn liberally from his analysis in developing its own argument and in supporting its recommendations. Professor Corry concludes that "when the Dominion and province share the administration of some function of government, it .... leads, in most cases, to friction, waste and inefficiency."[6] He is pungent in his criticisms of the conditional grant in Canada and argues that, except for certain limited purposes, it has not been and is not likely to be a successful device. American readers of his monograph on divided jurisdiction will be particularly interested in his contention that there is a better case for the conditional grant in the United States than in Canada because of more favorable political and administrative conditions in this country. It is interesting to note that, although he is more forthright than others in condemning conditional grants, Professor Corry's appears to be the general view of the research group. The question of the conditional grant is dealt with in a number of the studies, but nowhere is there favorable comment upon Canadian experience with this device.

[6] *The Difficulties of Divided Jurisdiction*, p. 5.

### A PROGRAM OF CONSTITUTIONAL REFORM

The Commission's analysis, supported at many points by the independent conclusions of its expert advisers, points the way toward recommendations that are bold and far-reaching in their significance. The same type of federalism had been developing in Canada as in the United States, involving joint Dominion and provincial action in various fields. The Commission says that the system has failed and that there must be a return to an original principle of the British North America Act, that there should be a definite separation of Dominion and provincial powers. "The experience of the last decade," says the Commission, "has emphasized the supreme importance both of a clear division of responsibility between the Dominion and the provinces and of adequate revenues for each to enable it to fulfil its responsibilities" (II, 24). With reference to the central question of jurisdiction "the topics that call for discussion are surprisingly few. . . . . [They] are the great spending functions of social services and education and certain powers having to do with the regulation of economic activities" (II, 13). The main recommendations are six in number, that by amendment of the British North America Act or otherwise provision should be made for:

1. Transfer from the provinces to the Dominion of full responsibility for the "maintenance of those unemployed who are employable and their dependents" (II, 270) by means of unemployment insurance, "unemployment relief," or other measures.

2. Complete revision of public finance arrangements between the Dominion and the provinces, involving Dominion assumption of provincial debts, discontinuance of existing Dominion general subsidies and conditional grants to the provinces with the exception of old age pension grants, withdrawal of the provinces from the personal income, corporation, and inheritance tax fields, and the payment by the Dominion to the provinces of annual "national adjustment grants" varied in accordance with their needs.

3. Dominion authority to legislate on minimum wages, maximum hours of labor, and the age of employment, and to implement conventions of the International Labour Organization.

4. Concurrent jursidiction by the Dominion and the provinces

with respect to the marketing of a specified list of natural products, with power to add other products, by mutual consent, to the list.

5. Power for the Dominion Parliament to delegate responsibility to a province, or vice versa, in connection with any function specified in the constitution as belonging to the one or the other.

6. Regular Dominion-provincial conferences to discuss problems of mutual concern, these to be served by a permanent secretariat.

Dominion responsibility for the relief of the unemployed is necessary, the Commission believes, for several reasons. For one thing, relief has proved to be an "onerous function of government which cannot, under modern conditions, be equitably or efficiently performed on a regional or provincial basis" (II, 270). Moreover, there must be national concentration of responsibility if there is to be effective remedial action to deal with the causes of unemployment. It follows that there should be a national system of employment offices and of unemployment insurance. American experience with state unemployment compensation schemes has not been satisfactory, the Commission believes, partly because of the constant movement of insured workers across state boundaries, and a series of provincial unemployment insurance plans would be virtually unworkable in Canada. For similar reasons old age insurance in Canada should be nationally organized and administered, if and when such a program is introduced. The Commission points out that all its recommendations are items in a total scheme, no part of which should be considered separately; but so important does it consider its first recommendation that it advocates Dominion assumption of responsibility for the unemployed whether its other proposals are adopted or not.

But the remaining health, welfare, and social insurance services should be operated and financed by the provinces and their municipalities. "Provincial responsibility for social welfare should be deemed basic and general; Dominion responsibility, on the other hand, should be deemed an exception to the general rule, and as such should be strictly defined" (II, 24). In support of this position the Commission hints at the familiar argument that the local people know best how to meet the diversified needs of their own poor, but does not develop it to any extent. What the Commissioners mean,

evidently, is that provincial and local administration of poor relief, mothers' allowances, institutional care, public health, workmen's compensation, and health insurance can be carried on efficiently by the provincial and local authorities if only they have sufficient revenues for the purpose and that, therefore, there is no need to suggest a transfer of jurisdiction to the Dominion if the financial problem is solved. The same argument applies to old age assistance.

The second recommendation is closely related to the first. If the Dominion is to take over the "onerous function" of unemployment relief, it must have a revenue system that is strong and elastic. Hence, the proposal is made that the provinces withdraw from the three important revenue fields of income, inheritance, and corporation taxation. Apart from the strengthening of Dominion financial powers that would follow from this it would have the incidental, yet very important, advantage of eliminating duplicate taxation in these fields and of permitting much more equitable, uniform, and efficient exploitation of these tax resources. Dominion assumption of outstanding provincial debts is another element in the scheme. This would clear outstanding burdens too great to be borne, in the case of some of the provinces, and would relieve them of grievances incidental to the unfair working of the federal system in the past. Hence, all the provinces would be put in a position of equality for a new financial start. The final item in the plan is designed to keep them abreast of one another in financial strength. They are to surrender existing block subsidies from the Dominion that date back to Confederation and the conditional grants-in-aid that have been made since then (excepting that for old age pensions). In return they are to be offered "national adjustment grants" which are designed to be sufficient "to enable each province, including its municipalities, without resort to heavier taxation than the Canadian average, to provide adequate social, educational, and developmental services" (II, 86). In other words, the grants, when added to the yield of a reasonable level of taxation in each province, should guarantee "balanced provincial budgets after provision for expansion of education and welfare services to the national average where these are below it" (II, 126). However, no province need go so far if it did not wish to do so. It might prefer to have substandard services and low taxa-

tion. Or alternatively it might spend more than the national average upon its services and might pay the price through a higher level of taxation. In addition, the Commission proposes that the Dominion should stand ready to make a special emergency grant to any province faced with unusually bad economic conditions due to such a catastrophe as prolonged drought. These emergency grants would be made only for a year at a time and would be reduced or eliminated as soon as possible.

The Commission itself, working from the premises outlined above, calculates the precise amounts of the national adjustment grants to be made to the provinces for the immediate future and recommends that these be irreducible. Grants are recommended for all of the provinces except Ontario, Alberta, and British Columbia, and a supplementary emergency grant is also recommended for Saskatchewan. The net result for all the provinces, the Commission contends, would be to improve their current financial positions, and in addition they would have the assurance of financial solvency in the years that lie ahead.

To provide for the contingency of changing conditions the Commission recommends further that the national adjustment grants should be subject to review and revision every five years. There should be established, it is proposed, an independent advisory body with a secretariat of its own, the "Finance Commission," to which provincial claims for revision of grants should be submitted. This body would be instructed to recommend changes on the basis of the same principles used by the Rowell Commission in working out the original grants. To the Finance Commission would also be referred for study and advisory opinion provincial claims for emergency grants. Since its secretariat would be concerned constantly with research in provincial affairs the Commission would be abundantly fortified with the facts necessary to application of its guiding principles objectively and quantitatively, and its findings should carry great weight with the Dominion government, which would make the final decisions.

There are some further refinements and items of detail in the Commission's financial plan, but these need not concern us here. No

proposals are made on municipal finance. The Commission recognizes that this is a major problem in Canada but does not attempt to deal with it specifically. It is, the Commission claims, particularly a problem for the various provinces. With their respective financial houses set in order by virtue of the proposals outlined above, the provinces will be in a position to, and they should, undertake programs of municipal reform involving revised financial arrangements with the local authorities.

The case for the third recommendation, regarding labor legislation, is obvious enough. The Commission considers that power to legislate on minimum wages, maximum hours, and age of employment is part of the general power of economic control which must be centralized. Moreover, it has been an anachronism that heretofore the Dominion government, which has sent representatives to the meetings of the International Labour Organization, should not have had authority to implement conventions of that body, and this should be corrected. Beyond these points it is not proposed that Dominion action in the labor field should go. The provinces should be empowered, the Commission thinks, to set higher standards than those imposed by the Dominion if they desire; and the business of enforcement should remain substantially in their hands. At this point it seems that the Commission commits itself to a species of that "divided jurisdiction" which it has condemned so heartily in principle.

The fourth recommendation, regarding concurrent jurisdiction in the case of the marketing of certain natural products, involves giving clear authority to the Dominion to deal with the marketing of products that enter into interprovincial trade, while the provinces retain authority to deal with the marketing of products that do not cross provincial boundaries, such as milk. The Commission thinks that it would be wise to specify the products that may be controlled by Dominion action, provided that by mutual consent between the Dominion and the provinces other products may be added to the list. This proposal would provide some elasticity in the constitution, as would the fifth recommendation, which would give a blanket right of delegation of responsibility by the Dominion to any province, or vice versa. The Commission considers this proposal very important,

for it would allow for changes in jurisdiction from time to time by agreement without the awkwardness of amending the constitution. For example, a province, if it did not desire to undertake the regulation of labor disputes, might delegate this function to the Dominion, and Dominion law on the subject would prevail in that province; while in other provinces which did not take such action provincial regulation would prevail. The final recommendation, for regular (preferably annual) Dominion-provincial conferences, served by a permanent secretariat, is also designed to make the constitution work better by providing the machinery for discussion, compromise, and co-operation.

In addition, the Commissioners make various other recommendations and suggestions regarding public policy—far too many to mention here. But enough has been said to give the outlines of their grand scheme to guarantee to the Canadian people a reasonable level of social and other services, to solve pressing problems of public finance, to increase the efficiency of the Canadian economy, and to resolve regional and group conflicts that were threatening the disruption of the Canadian federation. The Commissioners believe that they have given due weight to both Dominion and provincial claims for authority. Their proposals, they believe, are neither "centralizing nor decentralizing in their combined effect but . . . . will conduce to the sane balance between these two tendencies which is the essence of a genuine federal system and, therefore, the basis on which Canadian unity can most securely rest" (II, 276). Hence they hope that they are politically feasible—sufficient to satisfy the federalist demands of the West and the Maritimes without offending too much the provincial-rights sentiment of Quebec.

### AN APPRAISAL—WITH IMPLICATIONS FOR THE UNITED STATES

From this it appears that the Commission was much concerned with problems of the social services and of government in general that are major issues in the United States. At a dozen-and-one points the Commission's findings are suggestive to the American reader. Most striking of all is the fact that the Commission has turned its back on the principles of the "new federalism," involving major reliance on conditional grants, upon the basis of which the American

social services have taken entirely new form during recent years. Does the Commission's reasoning support the view that these principles are wrong for the United States as well as for Canada? And would a solution such as the Commission has proposed be appropriate for this country? These are large questions upon which only small comment can be made here.

The first issue that deserves examination is that of conditional grants. The Commission's case against the grant system has four main points. In the first place, there is difficulty, in connection with many grant-aided activities, in finding a clear-cut standard, or yardstick, to measure the amount of the grants that properly should be made. In the case of unemployment relief no formula to measure the varying needs of the different provinces has been, or easily can be, discovered. Even if a simple percentage-of-cost principle has been adopted, as in the case of old age pensions, there are bound to be concepts in the law and in the regulations, such as "residence," "income," "need," and even "age" which, although simple in appearance, are really very much open to different interpretations by Dominion and provincial officials. Second, conceding the need for the setting of standards by the grant-making authority, there are serious administrative difficulties in enforcing these standards in Canada. Federal post-audit of expenditures is unsatisfactory because there can be honest differences of opinion as to what the regulations permit and because federal disallowance of any given expenditure after the event is usually considered unfair by the provinces. "To determine independently the correctness of all provincial expenditures on an aided activity, it would be necessary to duplicate provincial field staffs" (I, 259)—which is not to be contemplated.[7] These two points mean that there is bound to be friction on the administrative level between Dominion and provincial officials.

Unfortunately—and this is the third point—there is no single authority on the administrative level to settle the disputes that are inevitable, so that administration becomes entangled in politics. Under the cabinet system of government there is "ministerial responsibility." The provincial official refers his grievance to his min-

[7] This statement and the opinion based upon it suggest that the Commission did not have a very clear idea of the functions of a supervisory field staff.

ister, a political functionary, and the Dominion official makes his defense to his minister. The two ministers fight the matter out, and a minor administrative question becomes "the subject of diplomatic interchange between governments, involving long delays in .... settlement" (I, 258). Thus the cabinet system is a factor of the first importance in considering the conditional grant system in the Canadian environment. Professor Corry is even more forthright about it than the Commission. "Where the legislature and executive are linked by cabinet responsibility, political considerations may obtrude at any time into the administrative sphere. While the cabinet system ensures unity of administration within a single political unit it tends to undermine any unity of administration in the fields of divided jurisdiction in a federal state."[8]

The fourth point is closely allied to the third. It is simply that the Dominion government has no real power to impose sanctions against any recalcitrant province. For the only real sanction is withdrawal of a grant, and this is a power which "can rarely be exercised in practice" (I, 259). Since withdrawal of a grant may involve important political repercussions, no Dominion government would be likely so to discipline a provincial government of its own political stripe; nor would it take similar action against a province with a different party in power because of the political capital that this would give the opponents of its friends in that province. The provinces know that the Dominion would hesitate long before withdrawing a grant, and they are therefore not seriously impressed by threats of such action, particularly when these are made by administrative officials who do not have the last word in the matter.

However, the Commission concedes that the conditional grant "may be used in some special cases and for some limited purposes" (I, 259). Small grants-in-aid for the purpose of improving, co-ordinating, or equalizing particular provincial services, such as mothers' allowances, may be justified. Especially is there a case, the Commission thinks, for grants in respect of "specialized health services where scientific standards for measuring efficiency are relatively easy to apply" (II, 44). And, surprisingly enough in view of the argument that has been outlined above, the Commission is prepared to accept,

[8] *The Difficulties of Divided Jurisdiction*, p. 16.

and does indeed recommend, continuance of the present system of grants toward provincial old age pensions. This, one suspects, is one of the Commission's "political" decisions, justifiable because the present system is working without too much friction and difficulty even if it is really in conflict with the major principle upon which the Commission builds its structure of constitutional reform.

The Commission's case against the conditional grant in Canada is impressive, and Professor Corry's is even stronger, if at some points less judicial and convincing. It is significant that not one of the expert advisers has a good word to say for the system. But it seems to the writer that both the Commission and its advisers have not given due weight to the fact that conditional grants have never been given a fair chance in Canada. In the case of unemployment relief grants, which they criticize particularly, and rightly, there has been no settled, permanent policy on the subject since the first unemployment relief act of 1930. There has been new legislation year by year, and the office of the Dominion commissioner of unemployment relief has been on an emergency basis for ten years. The commissioner has never had well-established regional offices, with permanent field officers, to serve him, nor has he had competent professional personnel on his staff. In the provinces relief administration has likewise been conducted on an emergency basis, and the quality of the administrative personnel has been poor in the extreme.[9] Professional social workers have been drawn into relief administration scarcely at all by provincial governments or municipal authorities. Poor personnel, or personnel unacquainted with the social as opposed to the financial aspects of administration, has also represented both the Dominion and the provinces in the administration of two other important grants—those for old age pensions and employment offices—which the Commission criticizes seriously. On the other hand, the Commission points out that grants for venereal disease control and for technical education have not worked out too badly. Is it only a coincidence that in the case of these the adminis-

[9] See the writer's *Unemployment and Relief in Ontario, 1929–1932* (Toronto: J. M. Dent & Sons, 1932) for an account of the rawness of relief administration early in the depression; and "Some Essentials in Canadian Social Welfare," *Proceedings of the Sixth Canadian Conference on Social Work, 1938*, for comments on personnel weaknesses in the Canadian social services.

trative work has been done largely by professionally trained personnel—public health physicians and educationalists? Might Canadian experience in connection with unemployment relief, old age pensions, and employment office grants not have been substantially different, over the last ten years, if there had been competent personnel in charge of administration, if consistent policies had been followed by the Dominion, and if adequate provision, based upon British and American experience, had been made for regional offices, field staffs, reports, educational effort, and other proved devices of administration?[10] These are points that the Commissioners do not mention in their report and that are overlooked or scarcely mentioned in the studies by their expert advisers. The writer, after considerable observation of the Canadian welfare services—both as an outsider and as an administrative official—feels that the bumbling, fumbling, stupidity, and sheer incompetence which has characterized the management of unemployment relief from one end of the country to the other does much to explain the failure of the grant-in-aid aspect of the program. Even under the cabinet system, with the limitations which it imposes upon the discretion of administrative officials, it should be possible for skilful management by professionally trained personnel to protect considerably against the intrusion of political factors into the administration of grants-in-aid. There is much British, American, and even Canadian experience that might be cited in support of this view.

Hence, there are reservations of some importance to be made to the Commission's argument on conditional grants, particularly as it applies to English-speaking Canada. But they are not nearly sufficient to overthrow the case when there is the Province of Quebec always to bear in mind. Quebec's desire for autonomy and her disposition to resist Dominion control is a factor of the first importance in Canadian politics. The Commissioners could not—dared not—forget it. The shadow of Quebec is apparent over their argument on conditional grants—and indeed over their whole report.

From this it should appear that the Commission's case against the

[10] See Luella Gettys, *The Administration of Canadian Conditional Grants* (Chicago: Public Administration Service, 1938), for a detailed account of weak administration of the major Canadian grants.

conditional grant is not necessarily applicable to the United States. Political conditions are different in this country. The separation of powers between the legislative, judicial, and executive branches of government makes it more difficult for members of the legislature to intervene in the day-by-day business of administration, so that administration is in greater measure insulated against politics. Moreover, there is no Quebec in the United States—although even the powerful Social Security Board has found Ohio, Oklahoma, and California to be doughty-enough opponents. The Commission itself recognizes that, by virtue of this different political situation, "joint administration of projects by federal and state governments escapes one of the serious difficulties to which it is exposed in Canada" (I, 257). In summary, then, it appears that the Commission overstates a good case on conditional grants in the case of Canada—and that its arguments, valid as some of them are for the United States, are generally much less applicable.

Another important comment that the Commission's proposals call for is that division of the social service functions between the Dominion and provinces promises some disadvantages that do not receive sufficient attention in the *Report*. Two major disadvantages may be suggested, that there will be serious administrative difficulties in organizing and operating separate relief services for "employables" and for "unemployables" and that provincial autonomy in the greater part of the social service field will not be nearly as favorable to the development of good standards across the country as if there were the federal standards and leadership that might be associated with conditional grants.

Dominion assumption of full responsibility for the relief of "employables," as recommended by the Commission, obviously involves the establishment of a public assistance service that will overlap the poor relief and categorical aid services to be operated by the provinces and the local authorities. This duplication of administrative machinery promises to be particularly noticeable and annoying in the thinly populated parts of the country where case loads will be low and administrative costs are bound to be high. The Commission suggests that this difficulty may be overcome in part by co-operation between federal and provincial services and in some cases by "pur-

chase of service" from the local authorities. Perhaps. But the record of co-operation so far has been very poor, as the Commission itself has pointed out, and an efficient federal administrative staff would be unlikely to be satisfied with the standard of service to be provided by the weak local welfare offices. Even more important, it would be a delicate business to intrust the determination of eligibility for receipt of federal assistance to local officials who would have an interest in keeping down their own case loads and expenditures.

The difficult problem of defining employability will have to be faced if there are to be separate services for employables and unemployables. Experience in Great Britain and Canada, as well as in the United States, has amply demonstrated that it is impossible to distinguish clearly between these two groups, that at best definitions of employability are arbitrary working rules for particular purposes, and that even the best rules are very difficult to administer. The Commission recognizes that there is a problem here and suggests that it be met by the promulgation of a clear definition by the Dominion and the establishment of impartial appeal boards in local communities to resolve conflicts over interpretation between federal and local authorities. These are sensible suggestions. But they offer no guaranty that there will not be serious friction between the provinces and the Dominion over the content of the definition and the working regulations. Moreover, they call for more administrative machinery and for administrative procedures which may well be cumbersome and tedious.

A further difficulty of the proposal has to do with the extent of the assistance to be given to the employables by the Dominion. Shall it cover the full maintenance needs of themselves and their families? Presumably not in all cases, if the Commission's suggestion that "minimum going wages in the community should be maintained above this rate" (II, 27) (of unemployment aid). Should it include medical aid? The Commission says that it might, but expresses a preference that medical care for all persons in need should be handled by the provinces and the local authorities. Should it cover special diets, transportation allowances, house equipment, retraining, resettlement, and the dozen-and-one other special items of assist-

ance that enter into the administration of a complete program of aid to any destitute group? Should the budget allowances be kept in line with those of the local authorities dispensing poor relief? Should they be varied from one community to another? Some of these questions the Commission recognizes as potential difficulties, but considers that they represent "details of policy and administration which the Commission feels are beyond its duty to advise upon; in any case, many of them can only be decided wisely in the light of experience" (II, 27). In large part this is true. But it is clear that every decision made upon these questions of detail will affect the interests of the provinces, since they are to bear the residual responsibility—that is, to be responsible for all social service functions not explicitly assumed by the Dominion. Thus there is ample room for friction between the Dominion and the provinces. Whatever the wording of the constitutional amendment or the Dominion statute that may be adopted to implement this recommendation of the Commission, a large part of the content that goes into the scheme must develop by means of the subsequent parliamentary enactments and regulations, and it seems probable that this detailed drawing of boundaries between Dominion and provincial jurisdiction may lead to a great deal of dispute.[11]

Provincial autonomy with respect to the remainder of the social service field would involve liabilities which the Commission does not seem to have recognized sufficiently. There is no good reason to believe that, even if their major financial problems were solved by virtue of the Commission's financial plans, the various provinces would proceed to build up their health and welfare services to reasonable standards. There would surely continue to be, as there is at present, a great lack of uniformity from province to province in policy and in administration. Left to their own devices most of the provinces will probably continue to muddle along with their social services. Important problems that are now troublesome will be untouched, or half-measures will be undertaken. One of these prob-

[11] This seems likely in spite of the fact that the national adjustment grant system will iron out serious financial grievances periodically. Possible revision of a grant four or five years ahead will not prevent a province from fighting a new Dominion regulation that may affect its current budget by several hundred thousand dollars.

lems is that of health and welfare services for interprovincial migrants, or transients. Another is that of administrative organization on both the provincial and the local levels. In every province in Canada there is need for thoroughgoing reorganization of health and welfare departments. Financial arrangements between the provinces and their local authorities need to be completely revised. Administrative standards are generally poor and need urgently to be improved. There is a very great need for recruiting and training competent personnel. If these important problems are to be left entirely to the various provinces, without assistance and leadership from the Dominion, rapid progress in solving them can scarcely be expected. The Canadian provinces are particularly in need of such assistance from a central authority. Most of the provincial capitals are remote from centers of knowledge and administrative skill. The various provincial and local departments are often too small to justify the employment of experts qualified to undertake, by themselves, difficult problems of planning and reorganization, or to support specialized services such as research, statistics, staff development, or public education. Even more than the American states, the provinces need such stimulus and direction as is offered by the Social Security Board, the Children's Bureau, the United States Public Health Service, and the Office of Education.

If there is to be a sharp division between the functions of the Dominion and the provinces there will be little inducement at Ottawa to establish a federal department of the social services or some other administrative body charged with responsibility for over-all study and planning. Without such a national body neither the Dominion government nor the provinces are likely to have the benefit of such broad thinking regarding future problems as the Commissioners have offered in their *Report*. This approach has also been lacking in the United States because the federal government has been concerned only with part of the field and because responsibility for the social services has been divided among many different agencies at Washington. However, the system of federal-state-local partnership developed in this country through grants-in-aid is much more favorable to over-all thinking and planning on the national level than the system proposed by the Commission.

What has been said suggests sufficiently the price that would have to be paid in the United States if the Commission's proposal regarding sharp separation of federal and provincial powers were to be adopted—sacrifice of the standard-setting, research, and leadership functions of the Social Security Board, the Children's Bureau, the United States Public Health Service, and other federal agencies. To most students of the social services in the United States this would surely be a very high price indeed.

Little more need be said about the financial proposals of the Commission. These are of great merit. Since they deal with the total financial problems of the provinces and since they strike at fundamental weaknesses in the present tax system, they avoid many of the difficulties encountered in attempts to adjust grants-in-aid of specific services to the needs of the grant-aided authorities. The broader the area covered and the greater the amounts of money involved, the easier it is to work out a satisfactory variable grant or equalization system. The Commission's plan goes to the heart of the financial problem of the social services as no program of adjusting a series of conditional grants in terms of needs can possibly do.

But there is one difficulty the Commission's plan might face. It does not propose any mathematical formula for revision of the national adjustment grants but lays down a general principle to be applied through the advisory opinions of the semijudicial Finance Commission. Would the Finance Commission succeed in making recommendations based upon this principle which would be acceptable to all parties? It might, and it is to be hoped that it would. But it is also possible that there would develop lack of confidence in the impartiality of its judgment. In this event, decisions on these vitally important grant revisions would be thrown into the arena of political controversy, with results that would be unfortunate.

In summary, then, it seems that the Commission's proposals regarding the social services and public finance are acceptable with some reservations. The outstanding advantages of the scheme lie in its promise to clear away the financial difficulties of the provinces and the local authorities and to lessen regional conflicts and political disunity. The chief disadvantages, which the Commission does not appear to have recognized sufficiently, lie in administrative difficul-

ties and in the danger of slow and uneven development of the provincial and local social services. These disadvantages weaken but do not destroy the Commission's case. On balance, it seems that the solution which is proposed has a great deal to commend it. In view of the peculiar problem of Quebec which the Commissioners had to bear constantly in mind it is particularly justified. It is, perhaps, the only kind of solution that is possible in Canada.

The writer is the more inclined to agree with the substance of the Commission's proposals regarding the social services because he believes that, with slight modification, they would largely escape the major difficulties that have been mentioned. If the Commission had not gone so far in suggesting that the Dominion accept full responsibility for the care of employable persons it would have been on safer ground. The prospective administrative difficulties which have been pointed out—if a general relief service for employables is operated by the Dominion—would be largely avoided if the Dominion were merely to operate employment offices, unemployment insurance, and a work program like W.P.A., leaving all direct relief to the provinces. In this case the Dominion would undertake to perform certain specific services, which can be fairly clearly defined by legislation and by regulation, and which would be essentially different in nature from those to be performed by the provincial and local authorities. While all the needs of employables and their dependents would not necessarily be met by this means, the greater part of them might be if the Dominion would appropriate sufficient funds for a generous work program. Thus the onerous function of caring for the unemployed, which the Commission desires the Dominion to assume, would be taken over in substance, if not completely, while the financial interests of the provinces would be protected, over five-year periods, by the system of national adjustment grants.

A second modification of the Commission's plan would be to put back into the equation some provision for Dominion concern with all aspects of the social services. Federal research, statistical, and consultant services to assist the provinces are not incompatible with provincial autonomy in legislation and administration. Moderate use of conditional grants-in-aid might also be suggested, chiefly for the purpose of giving to the Dominion authorities some influence in

the development of standards. Small conditional grants would not be inconsistent with the equalizing system of national adjustment subsidies. If the grants do not have to bear the major burden of adjusting Dominion-provincial financial relations, it is surely possible to hope that they will be helpful in developing good standards of work in Canada, and thus that they will overcome one of the weaknesses inherent in the Commission's scheme of provincial autonomy.

### WILL THE "REPORT" BE BURIED?

A few final comments upon the Commission's work remain to be made. The value of the *Report* lies not alone in its positive findings. It also clears from the path of discussion several substantial red herrings. The view was widely held in Canada that the high costs of government were attributable to "too much government" and that great economies might be effected by amalgamating provinces. The Commission shows that the diagnosis was wrong and that there would be little or no advantage in the proposed cure. Another popular view was that there was a great amount of overlapping between Dominion and provincial administrative services. But the Commission did not find much evidence of this. Provincial complaints of unjust treatment by the Dominion, which have been good political stock-in-trade for years, were examined in detail and in most cases were found wanting. Such red herrings had befogged discussion on the Dominion-provincial problem for many years, and the Commission has rendered a great service in clearing them out of the way and in concentrating attention upon main issues.

The Commission's *Report* should be of particular value to students of the social services because it discusses the subject in the broadest possible setting, historical, constitutional, political, economic, and financial. Defective though the *Report* is at some points in dealing with detailed problems of the social services, it is admirable in the perspective with which it approaches the great questions of policy. This breadth of perspective throws a light upon the Canadian scene which was certainly not there before and has obviously enabled the Commissioners to propose a solution for pressing problems which could never have come from a narrow approach. If a balanced study of the American social services could be made upon

so great scale, it might modify seriously the views that are now commonly held by students of the field. A reading of this great report and its allied studies suggests how far afield from the center of our problems we must go if we are to garner all the evidence pertinent to our subject.

What will be the outcome of the Commission's work? What are the prospects that its recommendations will be adopted? Has the coming of war created a situation in which there is small chance of constitutional reform? At present war effort dominates everything in Canada. But if the country does not suffer military defeat, it is hard to see how the *Report* can be buried and forgotten. Already one step has been taken to implement an important recommendation. Shortly after the *Report* was issued the government requested the British Parliament to amend the British North America Act to give the Dominion control over unemployment insurance. Parliament promptly responded, just as the Battle of Britain was imminent, and the Dominion proceeded in July to enact a national unemployment insurance act. The exigencies of war make inevitably for a great strengthening of the central authority at the same time that they develop a feeling of national unity among the Canadian people such as has not been in evidence since the last war. But the public finance problems of the provincial governments are likely to remain serious or even to become worse on account of war conditions. And there will be the prospect of terrifying post-war readjustments. The Commissioners believe that the program which they advocate will be needed even more "in time of war and of post-war reconstruction than it is in time of peace" (II, 275). Hence, the political situation may be much more favorable to action on constitutional reform during the war, or promptly after its conclusion, than it was when the Commission was appointed in 1937. At any rate Canada has a blueprint for constitutional reform prepared by a body of undisputed authority, and there is sure to be much pressure to follow it when Canadians shift their attention from immediate problems of the war to questions of how they are going to live together in a post-war world.

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# HEALTH AND DEPENDENCY[1]

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A SEARCH for the possible approaches to a consideration of health and dependency leads to a wealth of material bearing on the subject. The relationship between health and dependency has received much attention during the past decade from groups functioning under public and private auspices as well as from the dispensers and potential consumers of medical services. Out of the numerous surveys made, conferences held, and articles written, significant findings and proposals have emerged. To many persons these findings present a challenging array of irrefutable facts; to some persons they appear controversial because of their unwillingness to recognize the validity of any evidence that runs contrary to their desires. However, there appears to be more unanimity concerning the relationship between illness and indigence than there appears to be agreement concerning remedial measures.

Among the studies that have assembled factual data on the health problems of low-income groups are those conducted by the Committee on the Costs of Medical Care, from 1927 to 1932, and the National Health Survey, from 1935 to 1936. Among the conferences that have highlighted the subject and focused the interest and concern of the general public are the White House Conference on Child Health and Protection in 1930, the Conference on Venereal Disease Control Work in 1936, the Conference on Better Care for Mothers and Babies in 1938, the National Health Conference also in 1938, and the White House Conference on Children in a Democracy in 1940. Outstanding among the publications are the reports of the Technical Committee on Medical Care of the Interdepartmental Committee To Coordinate Health and Welfare Activities. The Interdepartmental Committee was appointed by the President after the passage of the Social Security Act in 1935 and was charged with the

[1] A paper presented at the Colorado Conference of Social Work, Denver, October 1 1940.

responsibility of seeing that the full benefits of the federal program authorized under the various provisions of the act reached with minimum delay and maximum effectiveness the individual men, women, and children for whose aid and service the program was created. The subcommittee—the Technical Committee on Medical Care—assessed the state of the nation's health, ascertained what needs were not being met, and produced a report in February, 1938, which not only stated and interpreted facts about health and medical-care work of the United States but also served as a basis for the formulation of proposals through which the national health could be improved. Additional reports and the proceedings of the National Health Conference were subsequently published.

Although this paper relates particularly to the health needs of the dependent group, I am unwilling to limit it in this fashion. Social workers who are interested in health and welfare know that in addition to those on relief there are many persons who are struggling to exist on an average family income too limited to afford the food, clothing, shelter, and medical care necessary for the maintenance of health. Hence, we are concerned with all those who cannot secure medical care from their own resources, including those who in ordinary circumstances can meet the usual costs of living but cannot meet the unusual and unpredictable costs of medical care. I hesitate even to limit consideration of health to the low-income groups in this fashion, since some public health authorities, notably New York State Commissioner of Health Godfrey, would disagree. Doctor Godfrey writes:

> It is, of course, one of the teachings of public-health administration that the health department should apply its efforts where the need is greatest and most immediate and where the returns are greatest in life saving and sickness saving. It does not follow, however, that legislation for health should be addressed to segments of the population, classified according to income or occupation. Certainly, there is a grave danger to both the quality and the quantity of the services for the health of the entire people, when public-health work is associated administratively with agencies dealing exclusively with low income groups of the population. Public health is something which should grow. Agencies for relief are something that should disappear.[2]

[2] Presidential address presented before the American Public Health Association at the Sixty-eighth Annual Meeting in Pittsburgh, Pa., October 17, 1939.

Perhaps certain concepts could be selected as providing a background for our discussion of this subject. These might relate to the rights of the individual; the responsibility of government for the health of the people; the comparative advances in our knowledge of how to produce and distribute an adequate income for everyone and how to prevent and cure disease; and, finally, the changing functions and objectives of public health.

It is possible to quote any number of platitudes relating to the rights of the individual, such as: The right of the child to be well born; the rights implied in the idea that all men are born free and equal; the right of equal opportunity for health and wealth; the right to life, liberty, and the pursuit of happiness. But we do believe that each individual should have the right to live out a complete life-span extending through infancy, childhood, adolescence, maturity, and old age. Obviously this can be achieved only if there is opportunity to maintain a satisfactory standard of living and to secure needed health protection and medical care. We are aware of the wide disparity in incomes in this country of the sixteen million on relief and of the fifty million in families receiving less than one thousand dollars a year. We know that economic problems are basically related to health conditions. We realize that knowledge of income levels is fundamental to any discussion of national health because such information is basic to any consideration of capacity to purchase not only food, shelter, and clothing, but also medical care.

That government has a responsibility for the welfare of the people has long been recognized. But in recent years we have developed new beliefs in the responsibilities of government for its starving or unemployed citizens. New instruments of social justice have been forged to meet present conditions of industry, agriculture, finance, and labor. It is unnecessary to enumerate them, for you know them. Our attitude toward health has been expressed by President Roosevelt: "Nothing is more important to a Nation than the health of its people,"[3] and again, "The health of the people is a public concern; ill health is a major cause of suffering, economic loss, and dependency;

[3] Message to National Health Conference, *Proceedings of the National Health Conference, 1938*, p. 1.

good health is essential to the security and progress of the Nation."[4] Surgeon-General Parran has said: ". . . . People in general are beginning to take it for granted that an equal opportunity for health is a basic American right."[5] Yet this belief in the importance of public health has been implemented only to a limited degree. In the general advance toward social and economic security we should not allow health security to lag, for health is the right of the millions of individuals who make up the nation and social and economic progress will be retarded unless we put a stop to the human and economic waste caused by our unmet health needs.

Public-health authorities could tell us in graphic terms of the discrepancies between what is known and what is accomplished in the field of health and medical care. Brilliant advances have been made in scientific knowledge during the last two decades. Each year medical science gives us additional knowledge with which to attack disease more effectively. Medical and other scientific research has made many valuable contributions to knowledge of the causes and cure of physical and mental disease. However, much of this knowledge is of little value to a large part of the population—the relief and low-income families. A thorough application of our rapidly increasing knowledge could produce dramatic results in the reduction of preventable illnesses and premature deaths. We have knowledge of proved methods but we lack adequate funds. If every family had sufficient income to purchase the necessities of life, including medical services, the need for some public health measures would be correspondingly lessened.

The relationship between health and dependency is well known. Illness creates poverty by creating economic burdens, and social and economic insecurity in turn increases ill health. To social workers it appears to be a vicious circle which brings self-supporting families to the dependency level and keeps them there. However, we know more about how to prevent disease through tried and tested methods than how to control other causes of poverty through economic methods. We need to put our present knowledge to work if we are to give the people the best opportunity for health. If a man has fallen from

[4] Message to Congress regarding need for a national health program.

[5] *Proceedings of the National Health Conference, 1938*, p. 5.

a bridge, we do not wait to build safety devices so as to prevent such an accident in the future before extending help to rescue him from drowning. My point is that we have accepted the principle that the necessities of life must be provided at public expense for those groups of the population that are unable individually to provide them, and we have taken steps to accomplish this purpose; but in building social security we should not delay in providing an immediate necessity of life—medical care for those unable to provide it by their own efforts. So far we have in the main given only lip service to our belief that medical care is a necessity of life.

With changing social concepts has come a widening concept of public health. We must now recognize a fundamental change in the objectives of public health. We cannot abandon any elements of the former concept—such as the protection of the individual against the hazards presented by the disease of another—but we must expand the objectives to include the safeguarding of the individual through adequate health and medical services. At first the prevention of disease involved chiefly sanitation and quarantine. Today, with infectious diseases coming under control, public health authorities are giving increased attention to maternal and child health, to the expansion of medical services for certain categorical groups, and to medical research and education. These are the first steps toward national health made possible by the Social Security Act, the National Cancer Institute Act, and the Venereal Disease Act. By means of the present small amounts of federal aid a good beginning has been made by the states in extending state and local public health services for the prevention and control of sickness, but the basic health organization necessary for satisfactory progress has been set up in less than half of our counties. Experience gained in the administration of these acts indicates that public health measures merge naturally with medical services for the diagnosis and treatment of illness. Public health measures and medical services constitute a logical and effective unit of service to the individual and to the family. Medical practice today is not what it was yesterday or what it will be tomorrow. The spread of health education and increased knowledge of the means to conserve health create enlarged demands for service, so that medicine is increasingly exposed to the

pressure of social change. The provisions of the national health bill[6] now before Congress foreshadow some of the growing responsibilities of public health authorities for rendering medical care and paying for it. These provisions should be as fair to those who render service as to those who receive it.

With these concepts in mind, let us review some of the findings of the past decade relating to health and dependency. The combined evidence of numerous surveys of sickness and death rates among various economic groups of the population indicates that sickness occurs more frequently and lasts longer and death strikes earlier and more often among the poor than among those in moderate or comfortable economic circumstances. Poverty means not only a high rate of sickness but also an accompanying deficiency of medical care. The National Health Survey found that

> illnesses disabling for 1 week or longer in a 12-month period occurred among families on relief at a rate 57 percent higher than among families with annual incomes of $3,000 and over. . . . . During the survey year, two persons on relief were disabled for 1 week or longer by chronic illness for every person in the middle and highest income groups.[7]

With regard to income and the severity of illness, it was found that

> not only do relief and low-income families experience more frequent illness during a year than their more fortunate neighbors but their illnesses are, on the average, of longer duration. . . . . The average case of disabling chronic illness among persons in relief families was 63 percent longer in duration than the average case in the group with incomes of $3,000 or over.[8]

When income levels and medical care were analyzed, it was found that

> among relief and low-income families in 81 surveyed cities, the proportion of disabling illnesses (for a week or longer) receiving no care from a physician was larger than among families in the upper income groups. The proportion of cases not receiving care was 17 percent for families with incomes in excess of $3,000; among relief families, 30 percent of the cases received no care by a physician, the proportion for nonrelief families with incomes under $1,000 being 28 percent.[9]

[6] See Wagner Bill (S. 1620) *Congressional Record*, LXXXIV, Part II (February 28, 1939), 1976–82; Part X, 10983. See also *American Labor Legislation Review*, XXX (March, 1940), 9–19.

[7] *The National Health Survey, 1935–36: Illness and Medical Care in Relation to Economic Status* (Washington D.C.: U.S. Public Health Service, 1938).

[8] *Ibid.* [9] *Ibid.*

These findings refute the opinion generally expressed that the very poor and the very rich receive adequate medical care and that it is the great group of people in the marginal income level who alone have difficulty in planning for medical services. People in moderate economic circumstances do have difficulty in budgeting for medical care, but the poor do not always have ready access to needed medical services. This is especially true in places where there are no outpatient clinics connected with public or private hospitals.

Let us consider the income distribution among the people. The report of the Senate committee which held hearings on Senator Wagner's national health bill stated:

> More than 90 percent of the population are in the groups with annual family incomes below $3,000 a year, and about 75 percent are between the indigent and the $3,000 level. Thus, it is evident that most of the American people are either in the one group whose medical care is wholly a community responsibility (the indigent) or in the group whose medical costs present grave economic problems.[10]

In this connection we must realize that, in spite of receiving a generous amount of free treatment, those in the lower income groups often pay such high sums for medical services that impairment of other necessities—food, shelter, and clothing—must inevitably cause deprivations that jeopardize the health of the family. It is impossible to foretell when illness will strike a given family. Its cost and coming are unpredictable. These statements may sound trite because their truth has been pointed out over and over again. Advance in medical science has brought new methods of prevention, diagnosis, and treatment of disease, necessitating the use of expensive equipment and medication. It addition to the physician's service these supplementary resources must also be available. Their cost can mount to a staggering total in any given case of sickness.

Recognizing that ignorance, indifference, and other factors play a part, the Technical Committee on Medical Care points out that the main reason why people do not receive proper medical care is their inability to pay for it.

[10] *Preliminary Report of the Committee on Education and Labor: Establishing a National Health Program* (1939).

Surveys of family expenditures show that, by and large, families tend to spend on the average, 4 to 5 percent of income for medical care. The proportion of income spent for medical care is fairly constant, whatever the income, up to an annual family income of $5,000, beyond which it tends to decline slightly. A survey showed that, in 1928–31, families with annual incomes under $1,200 spent $43 a year on the average for medical care; families with incomes between $1,200 and 2,000 spent $62 a year on the average; those with incomes between $2,000 and $3,000 spent $91; and families with incomes of $3,000 to $5,000 spent, on the average, $134 a year.

The present expenditures of families in the lower income brackets may be compared with the cost of adequate medical care. A number of estimates have been made of the per capita or per family cost of furnishing adequate medical care to a representative population group. Such estimates run from a minimum of $100 a year for a family of 4 to more than double this amount. Even taking the lower figure, it is apparent that this cost is more than a sizable proportion of families can afford to spend for medical care. An examination of family budgets leads to the conclusion that families with incomes of $1,000 cannot afford to spend as much as $100 a year, on the average, for medical care. The same conclusion probably holds for families with annual incomes of $1,500. Yet, even in 1929 about 12 million families in this country, or more than 42 percent of all, had incomes of less than $1,500.

Although reductions in the cost of providing medical care are possible, and although education may induce people to divert a larger portion of income to the purchase of medical care, the fact nevertheless remains that a large part of the population—certainly, one-third, and perhaps one-half—is too poor to afford the full cost of adequate medical care on any basis.[11]

The basis for deciding who can and who cannot afford to pay for medical care is of concern to social workers. Can the same budgets and other determining factors used to establish eligibility for various forms of public assistance be used as criteria for eligibility for free medical care? Should we apply the same test for all the other necessities of life and a different test for medical services?

While there is a wide variation in budgets used by public welfare authorities in different states, practically all the budgets are on a bare subsistence level. They are planned with the possibility of long-time dependency in mind and allow no leeway for an unexpected and costly illness. A budget meeting health standards should

[11] *The Need for a National Health Program: Report of the Technical Committee on Medical Care* (Washington, D.C.: U.S. Interdepartmental Committee To Coordinate Health and Welfare Activities, 1938).

permit the purchase of a sufficient quantity of nourishing food, sanitary living conditions, adequate heating facilities, warm clothing, necessary replacement of household equipment, and some means of recreation. A speaker presenting the public welfare viewpoint on criteria for determining eligibility for medical care states that

> standards of living that are really compatible with health and decency must be accepted as criteria for eligibility for free medical care if we are to avoid adding to our already heavy relief loads. . . . . It would seem that we can reject definitely the levels set by relief agencies and look for more desirable levels.[12]

The medical-social viewpoint would emphasize, in addition, the importance of providing diagnostic services so that the medical need may be determined by medical authorities. The medical data considered necessary would include the history of past medical care, the diagnosis, the plan, and duration of treatment, the prognosis for life and for work, and finally the probable cost of private medical care. It is then possible to weigh the medical need, present and future, in relation to the patient's economic situation.

If the sick person is to accept medical care at public expense and to benefit fully from it, we must recognize the effect on the individual of having to acknowledge financial stringency by seeking free medical care. This may involve real mental distress for some persons. Failure to provide services and facilities that can be used with dignity and self-respect may jeopardize the very purposes for which they are intended. Many of us are familiar with the tuberculous patient who refuses sanatorium care, the woman who does not seek medical supervision until late in pregnancy, and the patient who discontinues clinic attendance because the conditions under which such care is available are humiliating. We cannot safeguard the health of the people under such circumstances. When early care is not sought, when continuity of care is not maintained, the waste of skilled medical services and the failure to check the progress of disease or the development of complications are well known.

So far we have been discussing public health problems in general. Perhaps it would be well to consider a more specific problem—that of maternal and child health. The section on Health and Medical Care

[12] *Criteria for Determining Eligibility for Medical Care* (Chicago: American Association of Medical Social Workers, 1940).

for Children of the White House Conference on Children in a Democracy describes the present status of facilities and resources for the care of maternity patients and sick children and the need for more adequate service. Included among the data about mothers and babies are the following:

> Each year more than 2,000,000 births take place in the United States: 1,000,000 in cities of 10,000 or more population, 1,000,000 in places of less than 10,000 or in rural areas; more than 1,000,000 of them occur in families on relief or with incomes of less than $1,000; approximately 900,000 in families on relief or with incomes of less than $800. . . . .
>
> Each year nearly a quarter of a million mothers are not attended by a physician at childbirth; nearly a quarter of a million newborn babies do not have the benefit of medical care in the first few days of life, the most critical period of infancy. In small cities and rural areas there is not often a skilled nurse to assist the physician at births occurring in the mothers' homes.
>
> Each year until very recently some 13,000 mothers have died from conditions directly due to pregnancy and childbirth. In the past few years a substantial improvement has been made in this respect, but in 1938 there were still nearly 10,000 deaths. Each year some 25,000 children are left without the care of a mother because of deaths caused by pregnancy and childbirth. Each year approximately 75,000 infants are stillborn and some 70,000 babies die before they are a month old. It is estimated that at least one-half of the maternal deaths, at least one-third of the infant deaths, and a considerable proportion of still-births are preventable.[13]

From the information assembled about sick children, a few facts are selected:

> It is estimated that there are now between 400,000 and 500,000 children under 21 years of age who are crippled by disease or conditions such as poliomyelitis, tuberculosis of bones and joints, birth injuries, injuries due to accidents, and congenital deformities, who may be benefited or entirely cured by prompt and continued treatment. In addition, an equally large number of children are crippled as a result of heart disease.
>
> Several million school children have defective vision requiring correction with glasses, and 1 percent of all children have strabismus (squint), which to be treated successfully requires prolonged and special care. More than one-third of the blind persons in our population lost their sight in childhood.
>
> More than a million and a half school children have impaired hearing. The proportion is higher among rural children than among city children, and it is

[13] *Health and Medical Care for Children* (Washington, D.C.: White House Conference on Children in a Democracy, 1940).

higher than the average among children who live under unhygienic conditions. . . . .

Over 780,000 dependent children are now receiving aid under the Social Security Act or mother's aid program. Yet there is no adequate provision for medical care of these children.[14]

The meaning of these findings is of more than academic interest to social workers. Our experience with untreated illness, preventable handicap, and premature death tells what the facts mean in human terms. We know many mothers and children for whom health is as uncertain and life as brief as if the advances in medical and public health knowledge of the last two decades had not taken place. We could make health needs come to life by quoting one case story after another from our case load—the mother who vainly sought medical care for her baby only to find it too late; the woman unattended by a physician, who learned that her baby had been hopelessly injured during childbirth; the widower helplessly facing the care as well as the support of young children; the parents with an income too meager to meet the needs of their other children, who struggled to provide proper food and insulin for their diabetic son; the child who was mortified because she had to repeat a year at school but who had been unable to see the blackboard or prepare her lessons properly without the eyeglasses which her parents could not afford. We cannot face such situations, day after day, without merging our efforts with others working to improve conditions so that these tragedies do not needlessly recur.

There is one other group I should like to mention. I refer to the migrant workers—the storied "Okies" and "Arkies" described in Steinbeck's novel, *The Grapes of Wrath.* President Roosevelt has recently been studying the findings and recommendations contained in a special report of the Interdepartmental Committee To Coordinate Health and Welfare. The report said:

The nomad workers of this country number millions. For them and for their families, constant shifting from place to place sets the patchwork pattern of life. The broken-down car piled high with meager belongings and the makeshift shantytown are its symbols. Low wages and long gaps between jobs keep most of them within the lowest income group in the Nation. At best they are

[14] *Ibid.*

hardly above the thin edge of distress, without margin for health, education, or other family needs. Any emergency—illness, added miles to travel—leaves them resourceless. Yet lack of a settled home generally deprives them even of such public aid as other families may turn to in times of want. . . . .

A third of them are children. It is they who suffer most and longest from the hazards of a migrant life. They lack the essentials of normal childhood—a stable home and the sense of security it gives, the chance to go to school regularly, decent food and housing, necessary health and medical care.[15]

It is futile to continue. You can fill in the picture for yourselves. You can supply a description of the health problems found among these migrants and the lack of services and facilities to care for them in time of sickness. Occasionally there is a limited amount of medical resources, but usually the migrants are not considered eligible for even the limited public medical and health services provided for residents of a state. The problem of caring for any case of illness is further complicated by the worst living conditions to be found in the country. Usually these families have only a temporary camp without any sanitary facilities or a safe water supply. Their possessions generally consist of a jalopy, a few blankets, and cooking utensils. The Committee's recommendation to the President regarding health and medical care proposed that

in addition to the health and medical services furnished by the Farm Security Administration as a part of its program . . . . , Federal funds should be made available to the States to be used, together with State funds, in providing health and medical services—both preventive and therapeutic—for migrants.[16]

It is heartening to know that the problems of national migratory labor have received renewed consideration by the federal government. Aid for the migrant in need was included when the federal government in 1933 initiated a national program of general relief for the unemployed. The Transient Relief Program was later abolished, but from this experience with assisting migrants in trouble has come a great deal of information that has implications for future planning. It has pointed to the need for federal leadership in achieving a solution which will take account both of the needs of the migrant and the interests of the individual states. The present

[15] *Migratory Labor: A Report to the President by the Interdepartmental Committee To Coordinate Health and Welfare, July 1940.*

[16] *Ibid.*

proposals offer no permanent solution of the basic problem of unemployment, for there is no substitute for full-time jobs at adequate wages. Again we have an example of palliative measures to improve but not to cure social and economic ills—ills for which no remedy has as yet been discovered. The health problems of the migrant, however, are more susceptible to preventive and curative measures. Availability of health and medical services would accomplish much in mitigating the hazards of sickness for migratory workers and their families and would aid the states in meeting a complex health problem which border blockades and refusal of any form of assistance have aggravated and not eliminated.

There has been opportunity today to discuss only a few aspects of health and dependency. Your own knowledge and experience will supply much additional pertinent material and fill in the details. Through your own special field of activity you will have learned that all phases of human welfare are immutably bound together, that there is no separateness of health and welfare. During the past decade we have come to believe increasingly in the responsibility of government for the people. The conviction that human conservation is the first concern of government has sprung from deep roots. The principle enunciated by Grace Abbott—that sources of revenue must be as broad as causes of need—has found expression in government action. We have seen several great measures enacted into law —the Social Security Act, the Fair Labor Standards Act, the National Labor Relations Act, the National Cancer Institute Act, the Venereal Disease Act—all directed toward a common purpose, the protection of the rights, liberties, and securities of the individuals in a democracy. Through such measures we are making progress toward the goal of social and economic justice within the framework of a democratic form of government.

U.S. Children's Bureau
Washington, D.C.

# HOW SHALL WE MANAGE HOUSING?

HUGH CARTER

MOST of the attention directed to public housing has been concentrated upon legislation and upon the relative merits of various plans for housing, but as scores of large housing projects are completed and occupied by tenants and as hundreds of others are scheduled for completion within coming months, another urgent problem presents itself. Who is to live in these public housing projects? Who is to manage them? How is the administrative personnel to be selected and trained? How are public housing programs to be integrated with the programs of assistance, both public and private, that are already established in the community? It is time that these management questions receive serious attention, for regardless of one's attitude toward present housing legislation, there is already a great volume of public housing, and the questions are of immediate urgency.

To families occupying the dwellings, public housing is closely akin to the public assistance grants under the Social Security Act. While this may be denied by some housing enthusiasts, an analysis of the facts makes it entirely clear. These tenant families receive a rent subsidy resulting from direct federal grants to reduce rents and local grants in the form of tax exemptions for the same purpose. As a result a comparable dwelling in the same neighborhood would rent for a substantially higher figure. The difference between these two rentals—in the public housing project and in the general community for a comparable accommodation—is a grant of public funds to the family. It is true that the family pays a rental representing a substantial portion of the true rental value while the recipient of an old age assistance grant pays nothing. The care of the aged is shifting, however, toward old age benefits, under which substantial payments are made by the beneficiary. Subsidized public housing is thus related to the general social security program, and the fundamental principles of administration of public social services must be applied

to this field. Before this can be done the complexities of the housing grant must be examined.

The first administrative problem concerns the selection of tenants to occupy the houses, and at this point housing and other social security programs part company. Basic to our thinking in public assistance is the concept of complete coverage of the groups specified as eligible under the law. If Mrs. X is over seventy and meets all other requirements, she receives her old age assistance grant without question; but if she applies for a housing grant in the subsidized public housing project, she has no better than a one in fifty chance of obtaining it. It is true that her old age grant may be very small. If funds are limited, "spreading thin" is the rule, but all eligibles receive a pittance. In the case of housing, no method has been devised for spreading thin; a family either occupies a dwelling or some other family does. Since this is unavoidable, the basis of tenant selection deserves careful study. It may be pointed out that under the old age benefits program certain needy groups—such as farm laborers and domestic servants—are excluded, but they are excluded under the law and not by administrative ruling.

Family income is the first item in tenant selection. This is reasonable, but the crucial question concerns the income limits established. The most prosperous families in the lower one-third of the income groups is the present maximum income permitted. Presumably, this income limit is established because of the assumption that one-third of the nation is ill housed. Without going into the question of what constitutes a substandard house or what proportion of the population lives in such houses it may be pointed out that to rehouse one-third of the nation would be a gigantic undertaking. It would require a decade or two if the major resources of the country were devoted to the task, and it would require generations if housing proceeded at the present pace. If one assumes that this is true, then, it is hardly defensible to come so far up the income scale to provide a housing subsidy for certain families. Since many of those deserving housing assistance must go without in any event, would it not be desirable to concentrate upon the groups that stand in greatest need of aid? Would it not be preferable to include the lower one-fifth or

one-sixth of the population? This is the group that is obviously least able to provide housing for itself.

Public housing authorities not only establish a maximum income limit but also a minimum limit. To a public assistance worker this involves a contradiction in terms. How could an old age grant be denied to Mrs. X because her income was too small to make her eligible? Old age grants begin with the group that is entirely destitute and are progressively smaller as income increases. Public housing grants pass over the destitute and the near-destitute. Its benefits are extended only to the groups that can pay the required rental and have sufficient income left to provide the minimum necessities of life. Under the present law there is no escape from this paradoxical situation. Rents must be collected, and it would not be wise to permit families to live in the public houses if they were spending an unduely high proportion of their income for rent. These facts make it clear that we have two national public assistance programs operating independently of each other: (1) a program of direct financial grants that begins at the bottom and moves up the income scale, and (2) a public assistance program that makes housing grants to those further up the scale but excludes those at the bottom of the scale or near it.

The history of various forms of public assistance has been a history of integrating the entire program. We no longer think of aid to dependent children and aid to the aged as two distinct entities but as part of one broad program. While administration in a given area may fail to reflect this fact, there can be no doubt as to the trend. Is it not reasonable to expect that public aid through housing grants must in time be integrated with the older forms of public assistance? To hasten this necessary process experienced workers from both fields should explore the lines of such integration.

In selecting public housing tenants various priorities are established in addition to the income limitations. Preference is given to families living in the dwellings to be pulled down on the site of the new houses. This is reasonable since these families are compelled to move. Preference is also given to families living elsewhere in the community in substandard houses. This is a debatable standard since these houses are not scheduled to be razed. Low-income fam-

lies are compelled to accept such houses as are available, and they move frequently from one to another. Since it is pure chance whether the X or the Y family will be occupying a given ramshackle building when the public housing tenants are selected, this is not a reasonable basis for making the selection.

After the families have moved into the new houses the question of their relationship with the housing management becomes urgent. Here there is both parallel and contrast with the public assistance programs that have been in the field longer. A well-trained staff is required to meet the administrative problem of the old age assistance program, but contacts between staff and clients are less frequent and less intense than is true in public housing. Management must collect rents and protect buildings and grounds from undue abuse, it must make periodic checks of family income to establish eligibility for continuing grants. These functions are unavoidable, and the only administrative questions that can be raised concern the skill and insight with which they are performed. Beyond this, however, there is a wide area of relationships that management may be tempted to invade. Since many of the families have never lived in thoroughly modern houses before, it is natural for management to shower them with advice and assistance. In extreme cases the physical care of the properties might become a fetish of management, and such emphasis placed upon a spic-and-span appearance that the whole development would come to have the atmosphere of an antiquated custodial institution. The very possibility of such a development underlines the importance of a careful definition of the functions of management and of an examination of the necessary background and training desirable for professional workers in the housing field.

The tenant of public housing is in a peculiar position. If the X family rented a private dwelling and found the landlord to be unduely inquisitive and demanding, they would terminate the lease. An unreasonable landlord is constantly restrained by fear of losing a tenant. In contrast, the X family cannot leave their public housing dwelling without sustaining a severe financial loss. They will tolerate, therefore, a degree of interference that would be rejected elsewhere.

Housing management has two distinct functions to perform: (1) responsibility for the care of valuable physical properties and (2) social responsibilities involving tenants and the immediate community. As it has developed in this country during the last three years the overwhelming emphasis has been given to the first of these. This was a natural and almost inevitable development. The first work of the local housing authorities involved the assembling of plots of real estate, preparing housing plans, and supervising construction. Naturally the membership of local authorities included a large number of real estate men, building contractors, architects, and engineers. When these authorities came to the problem of providing adequate maintenance for the properties they had seen through construction, their first thought was to secure experienced real estate men. It must be clear, however, that physical maintenance, while important, is far less so than tenant relations. It seems probable that the present emphasis is merely a transitional one. After all, the superintendent of a city school system is rarely selected because of his expert knowledge of the construction and care of school buildings, even though the physical plant under his care is valued at millions of dollars. It is recognized that the buildings are merely instruments to be used toward a more important end and that the superintendent or the board of education can secure the services of a physical management specialist. In housing, as the active construction of dwellings in a community becomes less important, the local housing authority will give more attention to management. Perhaps the personnel of the authority will shift to reflect this change of emphasis, but it is important that during the formative period of public housing in this country sound management principles shall be established. It is difficult to break a bad tradition.

One of the most important considerations in the function of management is in knowing what *not* to do. Numerous suggestions have been advanced as to what management *should* do: (1) it should provide an employment agency for its tenants; (2) it should set up health and recreational agencies; (3) it should give instruction in housekeeping and child care, etc., etc. It must be clear that in the peculiar relationships existing between tenants and management suggestions of this type must be examined with great care. For one

thing there is no justification for duplicating existing social agencies or for establishing nonexistent agencies unless they are staffed by professional workers of established competence. It is also important that housing projects do not become self-sufficient island communities isolated from the larger world about them.

Management must provide the maximum degree of security to the tenant in the possession of his dwelling—subject only to the limitations set by law and the necessary reasonable care of property. The tenant should have a definite long-term lease. This should not be subject to cancellation except for specified and entirely definite reasons. The tenant should also be secure in his dwelling against unreasonable entrance by management.

Taking a long view of management in the public housing field, the question of training for this public service is of fundamental importance. As yet no comprehensive course of training has been set up, and it is probable that for a number of years various institutions will carry forward experimental courses. Obviously, successful training must provide not only for the development of skill in plant management but also for professional skill in social relations. Meeting constructively such problems as are involved in the review of financial resources of tenant families requires careful training.

An interesting approach to the training problem was made recently by the Pennsylvania School of Social Work. In the course offered, the staff included members of the faculty of the Pennsylvania School, experienced persons from the housing field, and members of the faculties of other schools of the University of Pennsylvania. The course dealt with the historic background, technical management, and the human relations problems. Some students in schools of social work might be trained in housing management when experienced supervision is available for field work. At the present time many full-time housing workers have had no experience or training in the public assistance field or any extensive training either in the social sciences or in social work. In-service training programs are therefore an urgent necessity.

In-service training programs, however, present great difficulties in all except the largest communities because of the small numbers available in any one locality. Perhaps this could be solved on a

regional basis through the establishment of convenient training centers and the granting of staff leaves for special training courses. Such courses must be up to university standards if tangible results are to justify the effort. Conferences or special short courses are believed to be of slight value.

Considering public housing management on a national basis and agreeing that uniformly high professional standards for the entire country are desirable, it is illuminating to glance at the experience of the public assistance program of the Social Security Board. It is illuminating and rather sobering, for while the Board has had many difficulties in dealing with forty-eight independent state organizations, the housing program must deal with hundreds of local housing authorities. The chances of securing anything resembling uniformity decreases rapidly as the number of independent local units increases. Years of effort by the able staff members of the Social Security Board have not brought entire success in establishing uniformly high standards of administration for its programs throughout the country. However, when the Board succeeds in getting a satisfactory administration of its programs in one state, it has solved, for the moment, a large share of its total problem; if there were hundreds of states, and if these varied in population from five thousand to six million, it would doubtless feel that the problem was insoluble. Yet that is the exact situation confronting public housing with its hundreds of independent local housing authorities. Unless national standards of professional competence can be established and enforced it is inevitable that the administration of many of these local authorities will be unsatisfactory. The purse strings of national grants of funds gives a basis for enforcing standards. If such a program is to function, however, there must be trained workers available for professional service in the expanding field of public housing administration. At this point a heavy responsibility will rest upon the schools of social work and the universities to provide such trained personnel. At the moment, it is doubtless the part of wisdom for these institutions to provide training for limited groups, expanding the numbers as the need becomes apparent.

UNIVERSITY OF PENNSYLVANIA

## NOTES AND COMMENT BY THE EDITOR

### CHILD WELFARE SERVICES: OUR FIRST LINE OF DEFENSE

AT A time when billions and more billions are provided by the taxpayers of this country—the fathers and mothers, the grandfathers and grandmothers, the uncles and aunts of our American children—to pay for defense, some word should be said about the need of social services for our children if we are to be the republic of which our fathers dreamed. A meager beginning of Child Welfare Services for rural children was first provided by the federal government in 1935. The Children's Bureau had carried on research programs about children for more than two decades, and it was hoped that the state and local governments would find resources to give the necessary services for children when the need for such services had been shown. But many local communities did not have funds or leadership, and an important step forward was taken when the Social Security Act in 1935 made provision for federal aid for Child Welfare Services.[1]

At the present time, forty-eight states, the District of Columbia, Alaska, Hawaii, and Puerto Rico[2] are co-operating with the Children's Bureau in the Child Welfare Services program, and the federal government provides a slender $1,510,000 to help this program for our rural children. This relatively small sum is carefully expended. There has been

[1] Under Title V, Part 3, of the Social Security Act, an appropriation of $1,510,000 annually is authorized "for the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies in establishing, extending, and strengthening, especially in predominantly rural areas, public-welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent." Funds are allotted to the states on the basis of a flat grant of $10,000 to each state plus an amount based on the ratio of the rural population of the state to the total rural population of the United States. The Act provides that the allotments to the states are to pay "part of the cost of district, county or other local child-welfare services in areas predominantly rural," and to develop state services to encourage and assist community child-welfare organization in rural areas and other areas of special need."

[2] See "Child Welfare Work in Rural Communities," by Mary Irene Atkinson, *Annals*, Nov., 1940. The *Review* is also indebted to Miss Kathryn Welch of the U.S. Children's Bureau for assembling data requested for this editorial.

no charge of political appointments to carry on this work; personnel of high quality have been found for these services; it is everywhere accepted that the children's small appropriation is carefully used.

In the development of state plans, different conditions in the states have been taken into consideration in order that the funds available might be used in ways that will contribute most to the development of the child welfare program in each state. Although every state plan for child welfare services provides for the extension and strengthening of state services, for the encouragement and assistance of community child welfare organization, and for the development of additional local facilities, there are marked variations within this general framework, owing to local differences. The share of federal funds used for state services and for providing direct services to children in local areas and the extent to which federal funds are used to supplement state and local funds for child welfare services in local areas vary from state to state.

### MANY RURAL AREAS NOT REACHED

Although the federal appropriation made available for Child Welfare Services has never been large enough to aid in the development of such services in all rural areas, the hope has been that local services on a demonstration basis will stimulate community support and more adequate community organization for child welfare and gradually provide for extending such services throughout the state. Workers in local areas are concerned chiefly with the prevention of child dependency, neglect, and delinquency. They study the problems of children referred by the schools, the police, the juvenile court, or the family to determine with the aid of others what the child needs and to see whether arrangements can be made to meet the child's needs at home, at school, in the community, or, if necessary, in the hospital, the foster-home, or the children's institution. The local workers also try to stimulate an understanding of children's problems and the organization of resources[3] to deal with them.

### CHILD WELFARE SERVICES MUST BE EXTENDED

There are over 3,000 counties in the United States; and, as of June 30, 1940, there were federal funds for child welfare services in one-sixth

[3] It is significant that out of a total of 735 professional workers whose salaries were paid in whole or in part out of federal funds as of June 30, 1940, 495 gave direct services in local communities, while 240 were engaged in "state services," including organization of community child welfare activities, consultation to local workers, and specialized types of services related to the development of adequate care and protection for children. Prior to the initiation of state programs for rural child welfare services, few states had made provision for assisting local communities in this way.

of our counties[4] and in ten areas composed of a combination of sixty-nine towns. In addition, case-work services in local communities were also given by thirty-nine workers whose combined areas included 652 counties as a part of their work in organizing community resources and furnishing consultation service. This represents a pioneer activity in the six states where it is still utilized; in all these states child welfare workers are also provided in a number of local units. A large number of other counties receive service through consultation by the child welfare consultants of the staff of the state public-welfare agencies.

How far have the various services for children which are now provided through state and local funds been initiated as a direct or indirect result of the availability of federal funds? The situation varies from state to state depending in part on the stage of development of local services for children when the federal program began. In many states a sound beginning has been made in establishing local services, but expansion has been delayed because of the lack of necessary funds and adequately equipped staff in the states.

### FEDERAL AID REACHES MANY CHILDREN

How many children are reached by the new federal program? That is, how many children receive services from workers paid in whole or in part from federal funds?[5] It is not yet possible to answer this question accurately but it is known that approximately 45,000 children from about half as many families were receiving service from such workers last May. This does not represent the total number of children receiving child welfare services in the counties given aid from federal funds, since additional workers were employed in many counties and paid for entirely by state or local funds. But the estimate does include children reached by workers in nonrural "areas of special need" and by those doing occasional case work in large districts, as well as those assigned to single rural counties or to two or more counties.

It is necessary to relate the data regarding number of families and chil-

[4] Since the beginning of the work in the various states there has been a definite trend toward establishing services in single counties rather than in larger areas. Often it has been necessary to begin by providing one worker for two or more counties, or for a district composed of several counties, but as soon as possible the size of the area per worker has been reduced. In a few states child welfare services have been "co-ordinated" with state statutory child welfare responsibilities and other general public welfare service.

[5] The Children's Bureau in January, 1940, initiated a formal system of reporting on numbers of children in local areas receiving service from such workers.

dren in each state to the state's total plan for child welfare services and the proportionate amount of federal funds used for state service and for direct services in local areas. In some states federal funds are used more largely to raise the standards of work already assumed than in helping to establish new activities.

The distribution of types of service may be assumed to give a composite picture of child welfare work in rural communities in which there is special provision for such services. However, the figures for any one state must be interpreted in relation to the situation in that state—the stage of development of the program, its relation to foster-care services by state or private agencies, community resources for family assistance and social services, the length of time the child welfare services in the counties represented have been in operation, and the types of counties selected for assistance.

The most significant fact about the types of services is the preponderance in most states of services to children who remain in their own homes as compared with those in foster-care. More than three-fourths of the children cared for were in their own homes or in the homes of relatives, and the other one-fourth were receiving foster-care or were being provided for in some special way.[6]

The development of the program has shown very clearly the need for special services for children at the place where the children live, even it it is remote; and the co-operative federal, state, and local welfare program has thus far been conducted with meager funds. Have we out of our defense billions a small additional sum—say ten million dollars—for services for children in the rural areas and areas of special need?

[6] The data relating to types of services must be studied in the light of conditions in each state. In several of the states foster-care was already an established system under the public welfare departments when the child welfare service work began, and the amount of such care and its types reflects a continuance of supervision of children already in foster-family homes or institutions. There are a few states in which emphasis is still placed upon providing for children who appear to need foster-care to the probable exclusion of those needing other forms of service. In some states, however, the high percentages of children in foster-care as compared with children given services in their own homes is due to selection of counties for demonstration purposes because of the special need for broadening the county welfare department's conception of child welfare services. In certain other states the amount of foster-care by the state department and by private agencies removes from the counties the need for direct provision of foster-care. These demonstration case-work services to individual children from rural workers are owing to federal funds for Child Welfare Services.

### FEDERAL FUNDS DRAW OUT NEW LOCAL FUNDS

In the beginning of the program, particularly in those states where provision for child welfare services started "from the ground up," it was necessary, first of all, to demonstrate and to interpret the meaning and value of these services before the states and local communities could be made to see the value of investing funds in their development. It was also necessary to assist in providing staff equipped to carry the program before much financial participation could be expected from the state and local communities.[7] In many plans of the early years the state and local participation consisted often of only direct contributions in the form of office space, equipment, and supplies.

Although the Social Security Act does not require dollar for dollar matching of any part of the funds for Child Welfare Services, it provides that federal funds are to be used to pay only a *part* of the cost of local child welfare services. It is necessary, therefore, that the state or the local political subdivision provide funds to cover part of the cost of implementing the services by a worker whose salary is paid from federal funds. Since the federal money cannot be used for maintenance of children or for clothing or medical care, it is obvious that if the services are to be effective there must be provision through state or local funds for providing the necessary material resources.

### COMMUNITY RESOURCES NEEDED

In the short time since the beginning of the program there has been a definite trend toward increased investment by states and local communities in services for children[8] as a result of the stimulation which has come from the demonstration made possible through the co-operative child welfare program for which federal funds are available.

In reviewing the progress in child welfare work since the inauguration of the Child Welfare Services program, several significant trends[9] emerge:

[7] Emphasis has been placed since the beginning of the program upon the importance of professional training for workers employed in the child welfare services program. As an illustration of the emphasis on adequately equipped staff in the child welfare program is the provision in the plans of thirty-seven states for the fiscal year ending June 30, 1941, for educational leave of workers including a total amount of $86,766.28.

[8] In the 1941 state plans for Child Welfare Services, $2,159,174 is budgeted from federal funds, including $222,197 from state funds and $167,707 from local funds. The amount spent by states and local communities for child welfare work not a part of the Child Welfare Services plan would, of course, far exceed the amount included in the figures given above.

[9] See Atkinson, *op. cit.*

1. The provisions of the Social Security Act which make funds available to the states for aid to dependent children and for child welfare services, and which pay survivors' insurance benefits to children, constitute evidence that government has accepted the principle that the strengthening of family life is the first line of defense in any child welfare program.

2. There is evidence of increased acceptance on the part of states of definite responsibilities for direction and leadership of programs affecting children. In 1936 there were twenty-seven states having administrative divisions within departments of public welfare in which services for children were centered. In March, 1940, there were forty states having such divisions.

3. The demonstrations of local social services for children made possible through the co-operative effort of federal, state, and local units of government have stimulated interest in and development of resources for the care and protection of children where they live. In states where the first plans for child welfare services included the development of local services on a district basis, there has been a decided shift toward restricting the geographical area to which local workers are assigned. Out of their own experience the states have learned (*a*) that if social services for children are to be effective, they must be close at hand, and (*b*) that if co-operation of communities is to be secured which will lead to the development of additional local resources for the broader aspects of child welfare, one worker cannot be expected to give adequate leadership in a district comprising too many political subdivisions.

4. There has been growing acceptance of a basic philosophy of public welfare which regards social services, particularly for children, as an integral part of public welfare administration irrespective of economic need. In the development of public social service for children in rural communities, the social and emotional needs of the child and his family and the ability of the public welfare unit to meet these needs have been the criteria upon which acceptance of cases has been based. Thus public welfare units which have personnel with the necessary skill and competence are providing services for children of the economically independent as well as of the economically dependent.

5. Increased investment by some states and local communities in services for children is clearly a result of the demonstrations made possible through the use of federal funds for child welfare services.

6. On the basis of experience gained through social services for children made possible in rural areas through the participation of the federal government, there is a trend in the states toward extending such services in order that there may be complete coverage throughout the state. The various state plans for child welfare services for the fiscal year beginning July 1, 1940, clearly reflect this trend.

7. The expansion of public social services for children has helped to speed up the discard of the old idea that foster-care, of itself, constitutes child welfare. In rural communities the children's workers are placing emphasis upon making

protective and preventive social services available at a sufficiently early stage to make it possible for most children to remain in their own homes and upon community organization which will enlist citizen interest in the promotion of community activities designed to contribute to the wholesome growth and development of all children. Foster-family care is regarded as a part of a total program of social services for children, to be undertaken only when there is personnel equipped to safeguard its use as a method of social treatment.

8. A local children's worker in a western state summarized the trend toward recognizing the school as a major factor in any program of preventive and protective services for children. This worker reported as follows:

> We recognize the fact that the school is not only a good place to locate children's defects before they become problems but also a good place to attempt their adjustment and the correction of underlying causes that create such problems. Since the school has the opportunity of reaching large numbers of children for relatively long periods of time, advantage should be taken of this in extending social services to children and their families.

9. As local services for children become available in rural communities through public welfare units, there is a trend toward reduction in numbers of children coming to juvenile courts. In the past the courts often constituted the only child welfare resource in the community. Thus, by force of circumstances they were called upon to render many services which had no relation to judicial procedures, as, for example, the administration of mothers' pensions. As more complete public welfare services for children become more general, such services by courts will no longer be necessary.

We are facing a great opportunity. If there are billions for guns, ships, and planes, surely we can ask with confidence for a few millions to extend these important services for our children.

## ARE THE ENGLISH CHILDREN COMING?

HAS the British Government closed the door on the evacuation of children to the United States by its recent action which 'temporarily suspends' the official Government evacuation program?" To answer this question Mr. Eric H. Biddle, vice-president and executive director of the United States Committee for the Care of European Children, went to England (by plane) in September and returned after five weeks to report some firsthand information regarding the British government's attitude toward the evacuation of war-zone children and the possibility or probability of the program being re-established next spring. Mr. Biddle has answered the foregoing question in some detail as follows:

> With Great Britain at war [he reports] no one can assert positively what policies may seem feasible to Britain's Prime Minister and Parliament in this matter next spring. However, after study of the situation in England I think it

is probable that an official Children's Overseas Evacuation Program will then be resumed. The British Government in making public its action issued a statement on October 3, 1940, which reads in part as follows:

"The Government have decided that until further notice no more children can be sent overseas under the Children's Overseas Reception Scheme.

"The recent loss of a number of children who were travelling in the 'City of Benares'[1] has illustrated the dangers to which passenger vessels are exposed, even when in convoy, under the weather conditions now prevailing in the Atlantic; and the Government have come reluctantly to the conclusion that during the winter season of gales and heavy seas, they cannot take the responsibility of sending children overseas under the Government scheme. The Government recognize the keen disappointment that will be felt by parents who had hoped to be able to send their children overseas under the Government scheme, and also by the very many people in the Dominions and in the United States, who have so generously offered hospitality to children from the vulnerable areas in this country. They are sure, however, that our friends overseas will be the first to appreciate that the Government's decision is taken solely from consideration of the best interests of the children themselves."

The British cabinet further made clear that the scheme had been suspended for the time being and not abandoned, and that the question as to resumption of the plan next spring would depend upon conditions at that time.

In Mr. Biddle's important statement he has explained that "over and against the military and political considerations which probably influenced the British Government in acting to suspend for the present the mass evacuation of children to the United States, to Canada, and the

[1] The story of the sinking of this ship which was evacuating children and which went down with eighty-three children and seven of the nine escorts in the last week of September, led to the following editorial on "Unrestricted Warfare" from the *Manchester Guardian*, which will be of interest to our readers:

"Another sorry stroke has been added to the shameful annals of German 'unrestricted warfare.' For the first time since the Children's Overseas Reception Board began its activities eighty-three school children (and seven of their nine adult escorts) have been drowned at sea by the torpedoing of a passenger vessel. Though nearly three thousand children have been safely dispatched to new homes overseas, it is not the fault of U-boat commanders that this is the first hideous interference with the Reception Board's programme; from the similar vessel that was torpedoed last month it was possible in better weather to save the whole company of 320 children unharmed. Here, out of ninety children under the board's care, only seven were spared. . . . . a passenger vessel sunk in darkness, six hundred miles from shore and in dreadful weather which swamped most of the many boats as soon as they were launched. It is a stroke as blind and merciless as the bombing of London homes and hospitals, but all the more dreadful in that the weather conditions made rescue impossible for three-quarters of the ship's company. . . . . The shame and the horror of it will be remembered long after Hitler and his tools have been swept from power.

other Dominions" he believes that "there are three important factors which will probably bring about the resumption of the evacuation program in the spring." These factors Mr. Biddle lists as follows:

*First*, there is a general approval in the United Kingdom of the program for the evacuation of as many children from the country as possible, provided they are well below the military age. Earlier considerations, such as the possibility that the evacuation program might threaten morale and give the appearance of retreat, have for the most part evaporated. Most of the people with whom I talked were of the opinion that it was desirable from every standpoint to move as many small children as possible to safe and happy surroundings.

In view of the increasingly widespread nature of the attacks upon all major industrial cities, and the necessity for using residence facilities in the country for the billeting of troops, evacuation possibilities within Great Britain are severely restricted.

*Second*, the British newspapers and magazines printed many letters from the children and photographs showing the reception and attention that the young evacuees were receiving in this country. America's wholehearted welcome has deeply touched parents, relatives and the general public. It was for them a tangible evidence of friendship. It augurs well for the future relationships of the two countries, and strengthens the most fundamental bonds that should more closely bind the two countries together in the reconstruction to follow the war, a factor realized by the British people even in these trying times.

*Third*, the pressure from parents to permit the evacuation program to be resumed, as soon as shipping conditions warrant, is already making itself felt. Government officials told me that when the "City of Benares" was torpedoed, some of the parents who had lost their children on that ship had written to the Government stating that if it were possible for them again to make the choice as to whether their children should go or stay, they would decide in the same way; that is, to send the children.

Mr. Biddle explains that it is difficult for anyone who has not been in England recently to understand the attitude of these parents:

It is not only the risk of physical injury or death to the child which prompts parents to evacuate their children since the actual risk of injury or death from bombing may not be so great in a large industrial center of England as would be the risk of a voyage on the north Atlantic under present conditions. But life in most large English cities today presents countless other hazards beyond the immediate threat of bombing. There is the possibility of nervous breakdown and epidemics of disease developing during the winter. Lowered resistance, resulting from inadequate sleep and exposure, is sure to increase greatly the incidence of illness which will certainly shatter the lives of many children who are not injured by the bombs. War veterans generally agree that there is no precedent in modern warfare which has subjected a civilian population to such a sustained and violent attack as London is now experiencing.

Regarding the situation in England Mr. Biddle after five weeks of investigation reached the following general conclusions:

*First:* that no mass movement of children overseas can be accomplished for the present. However, a limited number of children will be sent by their parents on regular passenger sailings.

*Second:* that it is important to leave the door open for the latter group and to prepare the way for a considerable evacuation of children in the spring, if circumstances then permit the resumption of the movement.

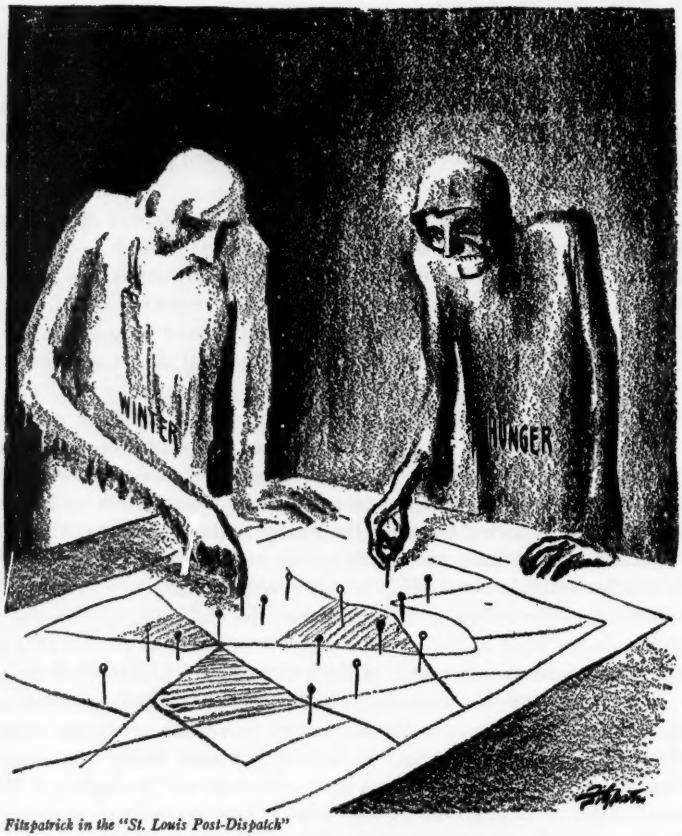
*Third:* that since many parents will exhaust every possibility of sending their children on the regular passenger ships, the United States Committee should maintain sufficient facilities to receive such children and guarantee their care and support while they are in the United States.

Following Mr. Biddle's report, the Board of Directors of the United States Committee decided that, for the immediate future, it would keep a relatively small staff on duty at its National Headquarters, 215 Fourth Avenue, New York, to carry on its continuing responsibilities for the children who have already come to this country under its auspices. The Committee will be responsible for providing general supervision for the young guests through local child-care agencies designated by the United States Children's Bureau, as approved by state departments of welfare.

It is pointed out, for example, that in cases where a foster-parent has welcomed a child into this country and subsequently suffered some misfortune, injury, or financial reverses that make it impossible for him to continue the support of the child, the United States Committee, through local child-care agencies, will be responsible for placing the young evacuée in another suitable home. This is in accordance with the Committee's assurance to the federal government that the child will not become a public charge while in this country and will at all times receive care in accordance with the standards of the United States Children's Bureau.

The Committee has explained that while children will continue to come to this country from the war zones on regular passenger boats, they will certainly come only in limited numbers during the winter months because of the scarcity of space. Because of the dangers of the north Atlantic passage during the winter, the co-operating American Committee in London will neither arrange nor finance shipboard escort service or transatlantic passage for these children. But, for the present, this Committee, composed chiefly of American business and professional men who are residents of London, will continue to keep its headquarters open in London, to assist British parents who still wish to send their children, provided the parents make their own arrangements for transatlantic transportation and escort service.

The United States Committee reports that its 177 local committees operating throughout the United States will continue to accept affidavits from sponsors here covering children unaccompanied by their parents and who are not coming to parents in this country. That is, if parents




*Fitzpatrick in the "St. Louis Post-Dispatch"*

TWO OTHER COMMANDERS

elect to send their children and provide for their passage and escort service, it is the plan of the United States Committee to keep the door open so that after they arrive here, the children may enjoy the security offered by the United States Committee plan.

More than one thousand children have come to this country under the

auspices of the Committee, and the Committee also has "a moral responsibility for at least 3,000 other children who have arrived independently." In many of the latter cases the Committee rendered advice and counsel to the people who have brought children to this country under consular affidavits.

The children brought here under the auspices of the Committee have been placed in forty different communities, with the greater number placed in New York, Boston, Rochester, Worcester (Mass.), Philadelphia, and Canton (Ohio).

In cases where the arrangements for the care and support of children brought here on consular affidavits break down, the Committee will not be able to assume responsibility for their care and support for the immediate present, but Local Committees are being asked to refer such cases to community welfare agencies equipped to provide necessary services.

A report about the probable passage of the "Guardianship Bill," which is now before Parliament, has also come from Mr. Biddle. This bill would make possible the delegation of custody of minor wards of the British government in this country to the United States Committee. Not only would the children brought to the United States under the auspices of the United States Committee be covered by such an arrangement, but, in addition, the Committee would be in a position to arrange for the delegation of custody in cases where a sponsor, who has received a child on a consular affidavit independent of the Committee, is no longer providing adequate care for the child. That is, the British government would then be able to delegate to the United States Committee responsibility for its minor wards who have sought refuge in the United States. We are told that

> the Committee will continue to offer reception care for children coming to this country on Consular affidavits. Experience has proved the necessity for such facilities as a public health preventive measure. Such care will be rendered only upon request of the sponsor in this country. Persons who request this service will be billed for the cost. In this connection, it should be pointed out that because of censorship concerning ship movements, the arrival time of the ship and sometimes the port of entry are indefinite, so that the cost to the sponsor of meeting the child at the pier is much higher and more uncertain than it would be if there were no war.

Finally, it is good to know that the United States Committee is studying the possibilities of evacuation of children from countries in the war zone other than Great Britain, although enormous practical difficulties stand in the way of evacuation from these countries.

Obviously, the war conditions which led to the development of the

Committee's program have presented innumerable uncertainties and complexities that have made for the greatest difficulty in planning its future activities. The Committee was organized "overnight" to meet an emergency situation which arose last summer. The activities of the Committee increased by geometric proportions during July, August, and September; but they also decreased quite rapidly after the British government announced a temporary suspension of the evacuation program. This relatively quiet period will permit an appraisal of the program which was so hastily developed and will make possible the correction of any deficiencies which have appeared in the earlier stages of the program. Mr. Biddle has suggested that

> while circumstances have not permitted the bringing of children in as large numbers as had been anticipated, the fruits of this experience should make for a very much sounder program when and if the mass evacuation is resumed. It has in fact brought about a change in immigration procedure which, in the future, should assure the proper care of children under the age of sixteen who come to this country unaccompanied by their parents and who are not coming to parents in this country.

Mr. Biddle's statement pays generous tribute to the men and women throughout the country who gave assurance of help if and when it might be needed—

> to those who responded to the call of the United States Committee and organized the Local Committees which made it possible speedily to carry the program to every major center in the United States; to the thousands of persons who generously offered their homes to guest children; to the child welfare agencies who reviewed home offers and are now overseeing the care of the young guests; to the officials of the Federal Government and of the several States for their unfailing cooperation with the Committee. In order to carry out its responsibilities for the guest children who are now in the United States and to provide for those children who may come during the winter months, and to prepare for the possible resumption of the evacuation of children in the spring, the United States Committee for the Care of European Children will carry on.

## THE ILLINOIS SUPREME COURT UPHOLDS THE THREE-YEAR SETTLEMENT PROVISION

THE amendment to the Illinois Poor Law requiring a residence of three years immediately preceding application for relief—an amendment which has caused almost unbelievable hardship—has now been upheld by the Illinois Supreme Court in an opinion[1] handed down in the

[1] *People of the State of Illinois* ex rel. *Charles Heydenreich et al., Petitioners* v. *Leo M. Lyons, as Relief Officer for the City of Chicago, Respondent*, No. 25779 (Oct. 15, 1940).

October term. An account of the attempt to mandamus the director of the Chicago Relief Administration, which was financed by two important private charities, was discussed in our last issue.[2] The Illinois Supreme Court has now given a final answer to the request for mandamus. That answer is a narrow legal justification for supporting the amendment as constitutional. The court holds that the legislature did not exceed its powers and that the act "represents a legitimate attempt" to prevent local governmental units from becoming havens of "the transient poor" seeking more favorable relief provisions from those offered in their localities.

Apparently the suffering of the people must continue until the new session of the legislature can be persuaded to repeal this unfortunate amendment.

## SOCIAL SERVICE IN THE NATIONAL DEFENSE PROGRAM

AT PRESENT the so-called defense program is almost wholly concerned with the preparation of armament and plans for training men for the armed forces. Has social service any part in this program? It is, of course, to be hoped that this is truly a defense program and not a war program. But the emergency creation of great munition plants and the withdrawing of men from their homes to serve in war training camps inevitably creates many social problems whether the object is defense or war. Welfare workers will, of course, be needed in munition plants if these plants are to be built up with all possible speed for an emergency and maintained at maximum efficiency. Social workers will also be needed for the new housing that must be provided near the munition plants if and when such developments are found necessary.

Most important of all, social services will be needed in connection with the new military training program for service of various kinds for the families of drafted men and for protective work and recreation near the new training camps.

Social workers are concerned to have these new services in the hands of properly qualified and trained personnel. They are anxious that plans should be made to avoid the hastily developed volunteer service plans such as were made during the last World War, when volunteers were recruited and very poorly trained in all kinds of special and very short "training courses."

[2] See September number, p. 558.

There has been a great expansion of social welfare work in the last decade due to the emergency relief program and the new social-security provisions. The latter program is still expanding and will probably con-


*Fitzpatrick in the "St. Louis Post-Dispatch"*

PATRIOTISM IS A NOTED REFUGE

tinue to expand, but the relief program is already declining and will probably decline quite rapidly after re-employment has been stimulated by the defense program. There will be trained workers available as there were not during the last World War. It is important again to emphasize

that it must be hoped and believed that this is truly a defense program and not a war program. But in any event social services will be needed. The President, some time ago, laid down the policy that as far as possible "existing agencies of government" would be used in connection with the defense program. There are now several important government bureaus available with large staffs of trained social workers, and these staffs can be rapidly expanded. Most important of these are the federal Children's Bureau and the Bureau of Public Assistance and other bureaus or divisions of the Social Security Board. It is earnestly hoped that services to families and young people will be in the hands of the professionally trained workers in these bureaus and not left to hastily untrained and poorly trained volunteers.

## EVACUATION

SOCIAL workers are interested in social problems connected with England's large-scale and, on the whole, carefully planned evacuation schemes. Children cannot be evacuated from their own homes to be billeted somewhere—anywhere—as adults can be, without social problems being created.

The evacuation at the outset of the war of England's school children from the populous areas to those smaller communities considered "safer" in the event of air raids has been a subject of much interest on the part of social workers and others concerned with people, their lives, and their adjustments to new situations. The Fabian Society's *Evacuation Survey*[1] is the result of an attempt to gather and present information as to the working of the British scheme—a series of twenty-four articles prepared by persons closely connected with various aspects of the program and in a position to evaluate its results in the health, education, and the social

[1] *Evacuation Survey: A Report to the Fabian Society*, edited by Richard Padley and Margaret Cole (London, 1940), and see also several "white papers" which have been issued by the Ministry of Health dealing with the British government's evacuation scheme, especially *Memo. Ev. 6* and, as a result of the large-scale evacuations in the early autumn of 1939, the later *Memo. Ev. 8* (Feb. 15, 1940) and *Circular 1965*. These last two government circulars set out the official plan for the further evacuation of children in the event of air raids. The later *Memo. Ev. 8* again planned, as *Memo. Ev. 6*, that an essentially voluntary plan of removal would be followed. In other words, the parents were requested to register for the removal of their children and only those so registered would be removed. *Memo. Ev. 8* again gave detailed suggestions for preparation for this movement both for the evacuating and receiving areas. The plan was not well accepted and is discussed in the Epilogue to *Evacuation Survey*.

well-being of the persons affected, gives the picture, with its good and bad points. The *Evacuation Survey* not only deals with those children removed from their homes but with those left behind and with the normal residents of the reception centers whose lives have been so affected by this influx into their homes and communities.

Several characteristics of the British plan are significant. For one thing, it was a scheme of voluntary evacuation, and out of some 3,000,000 "eligibles," only 1,381,000 were finally willing to leave their homes. But the British faith in a voluntary system has not been shaken, and they have held to the theory that it would be "completely unjust and indeed impossible to go down to the homes of the people and begin driving the people out of them."

Another point of importance is that evacuation must be judged, or evaluated, as a military and not as a social plan. That is, the great evacuation of children was "a military manœuvre—a retirement of valuable lives and valuable documents from positions believed to be . . . . highly unsuitable for children, for cripples and invalids, or for civil servants engaged in delicate and important work."

Was the great evacuation of September, 1939, a failure? Not quite 50 per cent of those whom it was hoped to evacuate in September, 1939, were actually willing to be—and were—evacuated. Could "a scheme which . . . . appeals to less than half of its supposed beneficiaries," be described as a success? The Fabian *Report* suggests that it was

> unfortunate that the proportion evacuated was so low, because it meant that many of the really serious social issues raised by evacuation turned out to affect so few, or such small areas that they could be ignored or left to some few devoted workers to cope with, whereas if the full 3,000,000 evacuees had left—and had stayed where they were sent!—those issues would perforce have received national consideration. In the first two or three weeks many people believed that a social revolution had begun. Some thought that the child from the slums, introduced to country food, country air, and better surroundings (since the real slum-dweller had, for obvious reasons, to be billeted in quarters healthier than those in which he lived), would get such a taste of "the good life" that he would never go back either physically or spiritually, but would remain in the village dominated by the Tory landowner until he had driven that landowner from his seat. Others believed that the housewife, the member of that huge unorganised occupation which has no trade-union rates, would not endure the violent irruption of the State into her working life; they pointed out that the British Government, suddenly and without previous propaganda, was in fact "nationalising" hundreds of thousands of women as effectively as ever the Russians had done, and prophesied a revolt.

An interesting section of the Fabian report deals with what is described as "the educational mess," which the report regards as "one of the most glaring results of evacuation." Again it must not be forgotten that this was a military maneuver and was perhaps, in the beginning, expected to last for a short time only. "But with over 50 per cent of evacuables not evacuated, their schools closed, and the evacuees distributed haphazard without regard to educational needs, the problem at once became enormous, and it was not alleviated by the shocking weakness of the Board of Education and its failure to press the legitimate claims of the children upon the War Cabinet." The chapters on education are described as the most depressing part of the book. On the other hand, expected health disasters did not appear: "owing partly to the fortunate weather conditions of last autumn, and partly to the small numbers of evacuees, the chapters on health are comparatively encouraging and do not, at least, implement the gloomy forecasts of those who thought that epidemics and waterborne disease would decimate the young sojourners." The editors of the report think that difficulties about education

> were exaggerated by the inelasticity and cumbrousness of the British local government machine, whose tradition of independence, with all its merits, stands up ill to a situation in which prompt and smooth collaboration is required. This became particularly obvious because the immediate interests of different local authorities came into conflict; the reception areas, which were literally holding the baby, could not be expected to see eye to eye with those others which had temporarily disposed of their babies; and as will be seen, the attitude of the Government, which inclined wherever it could to the policy of letting the local authorities fight it out among themselves, exacerbated the difficulties. Here again the incompleteness of evacuation, and the rapid return of evacuees, prevented the difficulty from reaching the status of a public nuisance which demanded remedy.

One the whole, the Fabian report is interesting and worthy of careful study. The chapters dealing with the details of the situation certainly show in innumerable instances the lack of, and the great need for, social workers to help in the varied adjustments necessary in the complex situations which arose.

For evidence of the need for social workers, it is well to go back to a British "white paper" which reviewed some of the difficulties as early as July, 1938:

> The transference of large numbers of people from their homes and accustomed surroundings to other and often unfamiliar areas is not a task to be undertaken lightly. It raises problems of great complexity and difficulty at every stage, whether it be the collection and transportation of the refugees or

their reception, accommodation and feeding at the other end. All the services which are delicately adjusted to meet the needs of the community on the present distribution of the population would have to be refashioned to deal with the new situation.

## AN IMPORTANT REPORT ON MIGRATORY LABOR

VARIOUS efforts are being made looking toward a strong demand on the new Congress for a federal program for the care of migrants. If Congress could be persuaded to adopt the Chicago plan for a federally financed and federally supported agency for the care of the unemployed,[1] the federal government would then become responsible for migratory workers as well as for other unemployed men and women. But if the Chicago plan is not adopted, there are other possibilities. Most important is the fact that a Congressional committee with Congressman Tolan of California as chairman has been conducting hearings in different parts of the country and will present a report in the near future; and even if Congress fails to adopt any comprehensive plan of unemployment assistance, it may still be possible to get some legislation in behalf of migrants. The President's Interdepartmental Committee to Coordinate Health and Welfare Activities has recently presented an important report to the President, which is reprinted in full in the September, 1940, *Social Security Bulletin*. The Social Security Board has taken the position that problems of migrants bear directly on all the programs administered by the board, and the chairman of the Board, Mr. Altmeyer, served as a member of the Interdepartmental Committee, which also includes representatives of the Departments of Agriculture, the Interior, Labor, and the Treasury.

This report is an authoritative statement of the problems of agricultural migration and industrial migration, with all the resulting difficulties regarding "Education and Welfare," "Living Conditions and Housing (Camps, Shelters, and Colonies)," "Health and Medical Care," "Civil Rights," as well as "Employment and Working Conditions."

The Committee suggests two lines of approach to the problem of migratory labor as follows:

1. To meet immediate emergency situations that have developed and will continue to develop, it is essential that appropriate Federal programs be financed and directed toward furnishing more effective aid to migrants.

2. To develop continuing provision for aid to migrants, it is essential to consider assistance for this group as part of the existing State assistance programs, and to gear such aid into that already provided by the States for their residents. Federal cooperation in such assistance should be provided on a grant-in-aid basis.

[1] See this *Review*, September, 1940, pp. 438–52.

The Committee proposes that government under federal initiative and leadership—

1. Continue to find the facts about migratory workers, to disseminate them widely, and to draw public attention to the conditions they disclose.
2. Continue and expand its program for improving the housing of migratory workers.
3. Regulate more adequately than at present the conditions under which migratory workers are recruited and employed, and assist them in guarding against future employment uncertainties.

The Committee proposes further that the nation and the states, under federal leadership, carry to migratory workers the joint efforts already being carried forward successfully in—

1. Bettering health and medical services.
2. Meeting the relief needs of persons unable adequately to help themselves.
3. Improving educational facilities.

The Social Security Board is to be congratulated on the early publication of this important report. Social workers everywhere are concerned with this problem and will be grateful for this important summary conveniently made available.

## UNIFORM LAW COMMISSIONERS AND JUVENILE OFFENDERS

THE American Law Institute[1] has published two documents of great interest for social workers. These documents are a proposed *Youth Correction Authority Act* and a *Youth Court Act, Criminal Justice—Youth*, which were submitted by the council to the members for discussion at the eighteenth annual meeting, 1940. In these two statements there is a purpose not only of restatement but of reconstruction. It is now more than twoscore years since the first juvenile court act went into effect in Illinois, and since then every state in the Union has adopted a juvenile court act, trying vainly to take children and young persons out from under the criminal law. Juvenile-court laws try to do other things, too, like taking children from the older law of domestic relations and the old poor law. The theory is that the juvenile court succeeds to the lord chancellor, who, as the keeper of the king's conscience, tried to mitigate the harshness of all these laws as they fell with special cruelty on the

[1] An organization composed of persons learned in the law—judges, officers of the American Bar Association, deans of recognized law schools, representatives of learned legal societies and of the Uniform Law Commissioners—was established in 1923 largely for the purpose of "restating" rather than reforming the law.

lives of children. These juvenile-court laws were formulated by learned lawyers, such as Mr. Bernard Flexner, and sometimes administered by great judges—Judge Mack, Judge Pinckney, Judge Baker, and Judge Cabot—and undoubtedly the fate of thousands of children, boys and girls, has been less harsh and cruel than it would have been if juvenile courts had never been established. But in connection with juvenile courts there has been much wishful thinking; and, in too many cases, there has been no adequate basis for a judgment as to the extent to which the juvenile court has met the need which its friends had in mind in its creation. It has been easy to speak of the juvenile court and to disguise the tragic fact that there are something like 3,400 counties in which tribunals deal with the problems of children and young persons who need the services ostensibly offered by a juvenile court. It is difficult if not impossible for the social worker to visualize the chaos, the confusion, and the destructive forces at work in the administration of the criminal law and of the law of domestic relations. Every procedure of criminal-law enforcement, the activities of the political, locally organized police force in arresting and detaining children and young persons, the administration of the police stations and jails, the ambitious state's attorneys, the accidental grand jury, the political judge of the inferior county court, or the archaically minded judge of the criminal court, the procedures of the trial intended to improve on procedures belonging to the thirteenth century but themselves more suited to the eighteenth- than to the twentieth-century knowledge of youth and social needs—the anarchistic state of a law administered by local and irresponsible judges knowing that in general there can and will be no appeal—this confusion is indescribable and incredible. Too much confidence was placed in the ability of the judge to make use of new resources and too great faith in his willingness to acknowledge earlier failure and current need of reform.

Social workers have to pick up and try to deal with the wreckage, the broken lives of the mothers, wives, children, resulting from these cruel wrongs committed in the name of the law and of social order.

Some reasons for these failures lie on the surface. One is the local character of judicial activity. In Illinois there are 102 counties in each of which a court may exercise jurisdiction under the juvenile-court act. In 101 of these counties there are two tribunals. At any one time there may be 203 approaches to the juvenile-court doctrine. But the county judges have a four-year term while the circuit-court judges have a six-year term. If one considers the possible effect of elections, it appears that within the term of a circuit-court judge—six years—there may be 202 versions of the juvenile-court activity, and as the county attorney or

state's attorney determine many questions concerning this administration and as he is a politically ambitious official elected in Illinois every four years, it is clear that he adds to the uncertainty and the precarious character of treatment meted out to young persons coming into conflict with the law.

In the earlier days of the juvenile-court movement social workers thought that the problem was one of finding a way of meeting the need, that the lawyers and judges would welcome, as some lawyers and judges did welcome, proposals for change and offers of help seeming to promise a better treatment of the young. Later they found that this was far from being characteristic of the bench and bar. Some lawyers and judges who know the cases in which the criminal law has completely failed resist any effort to replace those procedures by others that offer some hope of successful treatment. Either they resist any change as in the transfer of jurisdiction or if they must acquiesce as in the case of probation services, they insist on fusing them in with the structure that has failed instead of encouraging their development under new auspices.

These two proposed model acts give encouragement for several reasons: (1) They are admissions on the part of the bar that there has been failure and that there is need of reform. (2) They embody certain changes that affect the special weaknesses to which reference has been made. In the first act they replace the local agency for treatment by a statewide authority. To be sure, for many years the responsibility of the state for institutional care of certain young offenders has been recognized in the state institutions for delinquent children, but the determination in any particular case as between local facilities and the state institution is made by the tribunal which is highly local in point of view as well as wholly lacking both in the skill of diagnosis and in facilities for treatment, if effective treatment were called for.

These recommended "youth-correction acts" have the advantage of being proposed by a legal organization, which suggests the establishment of a statewide authority to provide and administer corrective and preventive training and treatment consisting of three members to be appointed by the governor for terms of nine years, who should devote all their time to the work of the authority. To this authority is given the responsibility of setting up or approving plans of preliminary detention and for examination and study. When the authority has been found ready, any young person, with certain exceptions, found to be at the time of apprehension under twenty-one but above the age of the juvenile-court jurisdiction is to be committed to it. This authority is to have the power to inspect all public institutions and agencies whose

facilities it may utilize and private agencies of which it is making use. In what ways and to what extent the proposed authority can apply real principles of treatment cannot be forecast. The proposal must be enacted in each of the states, and the selection of the personnel will be affected by the professional and political ideals of the bench and bar of the respective states. It expresses little realization of the possibilities of rehabilitation. The plan is based on the hope of reducing the public damage due to preventable crime.

To facilitate the use of the authority provided for in the first model act the second act authorizes the establishment of a youth court by which the young offender, not more than twenty-one years old and not young enough for the juvenile court, may be handled. Of this court the personnel differ from those of the ordinary criminal court. Especially is the state's attorney or prosecuting attorney replaced by a "presenting attorney." These courts are to make possible the fullest practicable use of the youth authority. Social workers will await with interested concern the reaction of the bar associations to these proposals.

S. P. B.

## THE I.L.O IS MOVED, NOT DESTROYED

THE International Labour Office, formerly at Geneva, Switzerland, will be located temporarily at McGill University in Montreal. It has been announced that the Canadian government has agreed to the transfer to Canada of the personnel necessary to transact the work of I.L.O. and that McGill University has agreed to provide accommodations for the staff, consisting of between forty and fifty persons under the director, Hon. John G. Winant, former governor of New Hampshire. The Geneva office had become isolated by the European war.

## "FLAG SALUTES AND FOOD"

THE last issue of the *Social Service Review* carried a note on the decision of the United States Supreme Court which deprives children belonging to the religious sect known as Jehovah's Witnesses of the privilege of a public school education so long as they refuse to salute the American flag. Not only are children of this sect being denied education in the public schools, but there now comes to public attention a case in St. Clair County, Illinois, where a family of seven has been removed from the relief rolls by the township supervisor because the father of the family steadfastly refuses to salute the flag. The *St. Louis Post-Dispatch* commenting editorially on the case October 12, 1930, says:

The family of Henry Hopper, a member of the sect called Jehovah's Witnesses, has been cut off relief at Belleville until Hopper agrees to salute the American flag. Previously, one of his children and two children of another family had been expelled from a Belleville school for the same reason.

On the same page in yesterday's *Post-Dispatch* that reported these seven persons' exclusion from the relief rolls there appeared another item. This stated that Robert B. Browne, director of extension courses at the University of Illinois, had told a teachers' meeting at Belleville that schools expelling children who refused to salute the flag were employing "Hitler methods."

There is a great deal of truth in the parallel. The German citizen who fails to give the Nazi salute or to vote *Ja* when ordered to do so is also punished by the state. The difference between the Nazi practice and the treatment received by non-saluters in America is only in the degree of punishment.

Jehovah's Witnesses are a troublesome and often fanatical group. Its members' zeal sometimes oversteps the boundaries of discretion and good taste. Most of us consider their attitude toward the flag absurd. Yet there are laws for dealing with these people if they disturb public order. Withholding school privileges and food from them because of their views on flag salutes would seem contrary to the basic American sanctions forbidding discrimination against persons because of religious beliefs.

These sect members could get their children back in school and be restored to the relief rolls if they yielded to necessity and went through the required salute. But how much of a gain for democracy would it be to wring from a citizen an insincere gesture, contrary to his convictions? As it is, these people are willing to give up schooling for their children and the very means of life for themselves rather than surrender this fixed idea. It is stubbornness, perhaps, but a heroic sort of stubbornness.

The flag salute is a symbol of devotion to democracy. But democracy itself includes in its meaning full respect for every citizen's beliefs, no matter how peculiar, unless those beliefs infringe on the rights of others or the community's welfare. Those who insist on the symbol are losing sight of the substance.

## FAIR LABOR STANDARDS FOR PUERTO RICO

ONE of the 1940 amendments to the Fair Labor Standards Act, sponsored by the Wage and Hour Division of the United States Department of Labor, authorized the administrator of the Act to appoint special industry committees to study labor conditions in the American possessions and, on the basis of their findings, to recommend minimum wage rates for employees engaged in the production of goods for interstate commerce. "These committees," according to Colonel Philip B. Fleming, administrator of the Wage and Hour Division, "will act to resolve the conflicting economic interests of the islands and the United States. From their work there should result wage orders which will insure a fair wage

in the islands while protecting the industries of the mainland." Wage rates of less than thirty cents an hour, the present statutory minimum, can be set if findings of the special committee so warrant.


*Fitzpatrick in the "St. Louis Post-Dispatch"*

THE LESS ABUNDANT LIFE

The nine-member committee appointed by Colonel Fleming on August 6, 1940, to investigate industries in Puerto Rico is headed by Monsignor Francis J. Haas, of Washington, D.C., and includes David Dubinsky, the American representative of labor, Frank M. Mayfield, a St. Louis businessman, and six island representatives. Shortly after its appointment, the American members of the committee proceeded to Puerto Rico,

where the first industry commanding their attention was "needlework," which employs about sixty-five thousand women and children at scandalously low wages. Hearings before the committee in San Juan during September and October showed the exploitation of the workers by a handful of New Yorkers. The committee discovered that, for the making and exquisite embroidering of children's and women's dresses, blouses, and lingerie, women were paid thirteen cents an hour if they worked in the factory or five cents, and sometimes as little as two cents, an hour if they worked on the articles at home. Witnesses told the committee that when business was good they might earn as much as six dollars a week if they worked all day and part of the night. The argument of the operators for the payment of such low wages was that they must meet the competition of the low standards of China but, as Mr. Dubinsky pointed out, the war in China has virtually ended the importation of merchandise from the Far East so that this argument no longer holds. But competition, real or imaginary, is never a justification for substandard wages. If an industry cannot afford to pay decent wages, surely the question as to whether it should be allowed to survive ought to be vigorously raised. That the owners of the needlework factories could pay higher wages in Puerto Rico and still realize a handsome profit is undoubtedly true, for although the committee has decided that immediate compliance with the thirty-cent minimum does not seem possible, it has recommended an increase of wage rates, ranging from twelve and a half to twenty cents an hour for homeworkers and twenty to twenty-two and a half cents an hour for factory workers. These recommendations the administrator of the Wage and Hour Division approved on November 15, 1940, to become effective December 2, 1940.

Although, as the *St. Louis Post Dispatch*[1] notes "these developments mean a substantial increase in the income of the islanders and, therefore, a considerable betterment in their living conditions, it is to be hoped that before concluding its work, the committee may be able to suggest a definite program looking toward eventual full compliance with fair labor standards."

## LILLIAN D. WALD: 1867–1940

LILLIAN WALD'S long illness had deprived us of her fine and spirited leadership during the last seven years. But the memory of her great services will be cherished not only by her wide circle of fellow-workers but by the poor and friendless of the city of New York, for whom she did so much and to whom she persuaded others to give so much.

[1] October 12, 1940.

The story of Lillian Wald's life is well known to social workers, not only because she was for so many years a leader conspicuous at national and state conferences, but through her books *The House on Henry Street* (1915), and *Windows on Henry Street* (1934). Miss Wald was one of the leaders of the early settlement movement, but she was much more than that. She was the organizer of the great Visiting Nurse Service of the City of New York, and she was also identified with many important social reform movements. When Mrs. Florence Kelley left Hull-House at the turn of the century, it was fitting and proper that she went to live with Miss Wald at Henry Street in New York. Mrs. Kelley's clear grasp of so many social questions made her support of the greatest value. Lillian Wald was a statesman, and she was able to make practicable plans that could be carried out as the result of the spark that Mrs. Kelley often kindled in the minds of those with whom she worked.

Miss Wald was one of the earliest advocates of the establishment of the United States Children's Bureau, with Mrs. Kelley warmly supporting her in this demand. She remained a staunch friend and interpreter of the Bureau's work. When the destruction of the Bureau was threatened in 1930 Miss Wald was one of the able supporters who helped to protect the Bureau from the attacks of its enemies.

She made Henry Street a center for distinguished refugees as well as for the very humble. Prince Kropotkin was her friend, and Madame Breshkovsky stayed there in pre-revolutionary days and post-revolutionary days. Marie Suklof was another of the early refugees who found a welcome at Henry Street. Miss Wald was the friend of many wealthy and influential people, but she never compromised, and they respected her for the way in which she maintained the courage of her convictions. During the War she was a staunch pacifist, and with Jane Addams she endured many harsh criticisms without modifying her convictions. She was one of the vigorous, faithful friends of the child labor movement and worked tirelessly to secure federal protection for children. She stood with Mrs. Kelley faithfully and was one of the persuasive advocates of child labor legislation at many legislative hearings. Miss Wald was a beautiful and charming person and a convincing speaker who made warm friends and kept them. Ramsay MacDonald, who with his daughter Ishbel had stayed at Henry Street more than once, invited her to come to England as his guest at "Chequers" after he became Prime Minister the second time. After her death the governor of the state of New York and the mayor of the City of New York paid public tribute to Miss Wald in the following statements:

GOVERNOR LEHMAN.—I had the great privilege of following her leadership for more than forty years in many civic activities. Miss Wald was one of the outstanding women of our day and was an inspiration to the entire country. She was beloved by everyone who knew her. Her wonderful work in public health nursing and in countless welfare activities brought comfort and health and security to hundreds of thousands of people throughout the State and nation who bless her memory. Her great service to humanity will ever be her monument.

MAYOR LA GUARDIA.—A great citizen . . . . has passed away. Miss Wald made great contributions to the happiness and welfare of her country. It is comforting to us who knew and loved her that she lived to see the full realization of her plans and dreams.

The idea of home nursing has developed into great public health services in every city of the country. Her dream of proper housing for all of the people is now shaping itself into low-cost housing all over the country. Her wish for parks and playgrounds she lived to see fulfilled in her city.

## MARY WILLCOX GLENN: 1870–1940

THE news of the death of Mrs. John M. Glenn came as a great shock to her many friends and followers in all parts of this country. Mrs. Glenn was prominent in social work over a period of forty years. In Baltimore she was known, first, as executive secretary of the Henry Watson Children's Aid Society and, later, she succeeded Miss Richmond as general secretary of the Charity Organization Society of Baltimore after Miss Richmond became secretary of the Philadelphia Society.

But it was after Mr. Glenn became general director of the Russell Sage Foundation, and Miss Richmond became director of the Foundation's new Charity Organization Department, that Miss Richmond and Mrs. Glenn together became the leaders in developing high standards of case-work service in the private family welfare organizations of this country.

Mrs. Glenn helped to organize the American Family Welfare Association,[1] which was known, at first, as the National Association of Societies for Organizing Charity. As president of this Association Mrs. Glenn came in contact with the leaders in private social work in many cities. As a staunch believer in case work, she also believed in professional education, and friends of the old School of Civics in Chicago will remember her as a generous friend who helped establish case-work teaching and a field-work organization in the United Charities of Chicago during the years from

[1] See this *Review*, X (December, 1936), 666.

1909 to 1915. Mrs. Glenn, staying at Hull-House with Miss Addams, gave lectures at the School once a year and also held conferences at the various district offices of the United Charities and with their case-workers.

Mrs. Glenn was the second woman to be elected president of the National Conference of Social Work. At the Baltimore meeting in 1915 she was given this honor when the only woman who had preceded her was Miss Addams. Mrs. Glenn remained an active friend and supporter of the Conference to the end. She was also actively interested in the International Conferences of Social Work and served as chairman of the Social Case-Work Section of the International Conference which met in Paris in 1928. In 1932 she was chairman of the American Committee for the Conference that met at Frankfort. Another of Mrs. Glenn's international interests was the International Migration Service, and she was a charter member of the American Committee for this service. After the period of repression began in Germany she helped to organize the group called "Hospites," a Committee of American Social Workers organized to assist refugee social workers from the totalitarian regimes.

Mrs. Glenn was a devoted member of the Episcopalian church and was actively identified with the famous charities of the church, especially the Church Mission of Help, and she served as president of the National Council.

## ETHEL JACOWAY HART: 1900–1940

ETHEL HART, at the time of her tragic death last month, was a member of the Regional Staff of the Public Assistance Bureau of the Social Security Board and had been with the Regional Office of the Mountain States for something over a year. She had been connected with the Social Security Board since its earliest days and before going to Colorado had worked with the District of Columbia administration. She was interested in her work and had a very genuine concern about the whole public assistance program.

A graduate of Smith College (A.B., 1921) she had followed her father's interest in law. Her father was for many years a judge of the Arkansas Supreme Court, and Ethel finally graduated from the Arkansas Law School in 1928. She first came to the School of Social Service Administration in 1932 and later, when she returned to complete work for her A.M. degree, she prepared a very interesting study of the legal aspects of family responsibility in connection with the Old Age Assistance program. Her legal knowledge and her connection with the federal administrative

authority in this field made her discussion of this subject very competent, as well as interesting, and it is hoped that some parts of this study may yet be published.

Ethel Hart had many friends not only in the state of Arkansas and in Chicago and Colorado and Washington, D.C., where she had worked, but among the wide circle of those who came to know her as college or university classmates, or as they came and went from the Regional and Central office, where she was stationed. She had an able mind, and the difficult aspects of her work always challenged her. Her personal charm and quick and genuine response to the needs of friends and acquaintances gave her a large circle of colleagues and friends who have felt keenly her sudden and tragic death.

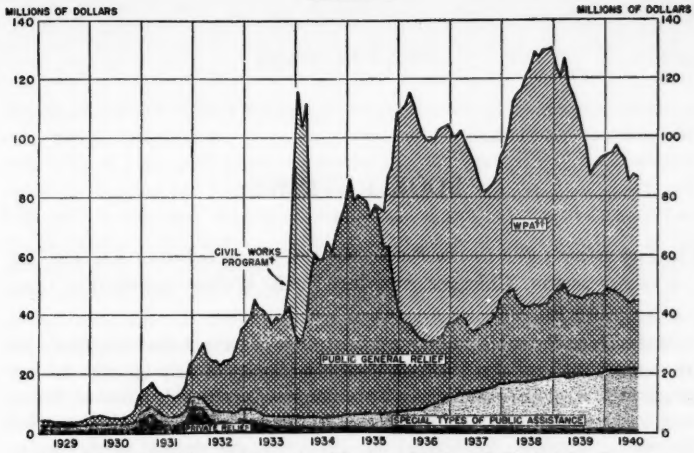
## NATALIA ROWLEY GREENSFELDER, 1900–1940

NATALIA GREENSFELDER first came to the School of Social Service Administration in the autumn of 1930 and stayed to complete her work for the A.M. degree in the following year. Her thesis was an excellent study of "The Problem of Relief for Families of Deceased World War Veterans in Illinois," and the interest she developed in the proper safeguarding of the funds provided for soldiers' children continued to be an active subject of interest and concern during her remaining years of service. Natalia came to know the leaders in the Legion, and they had the greatest confidence in her; and when she went to the Illinois Department of Public Welfare for social service at the State School for Soldiers' and Sailors' Orphans at Normal, Illinois, she maintained close relations with the Legion.

Later she gave up her state work and came to Chicago as the first executive secretary of the Chicago chapter of the American Association of Social Workers. After a year of pioneer work with the chapter, she transferred to another kind of pioneer service in the local secretaryship of the United States Committee for the Care of European Children. She had very earnest convictions about social work, and she made great sacrifices to maintain those convictions. She would not yield a point easily, and never when she believed a principle was at stake. Although she was uncompromising, she so obviously cared so much for the public welfare that she was able to convince and persuade very hardened political leaders. She was one of the younger leaders in social work who should have gone on to a long and useful career. Her death is a very real loss to social work, particularly in Illinois and the Middle West.


EMPLOYMENT AND PAY ROLLS
ALL MANUFACTURING INDUSTRIES
1923-25=100
INDEX
140
120
100
80
60
40
20
EMPLOYMENT
PAY ROLLS
1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940
UNITED STATES BUREAU OF LABOR STATISTICS
ADJUSTED TO 1937 CENSUS

## CHART I

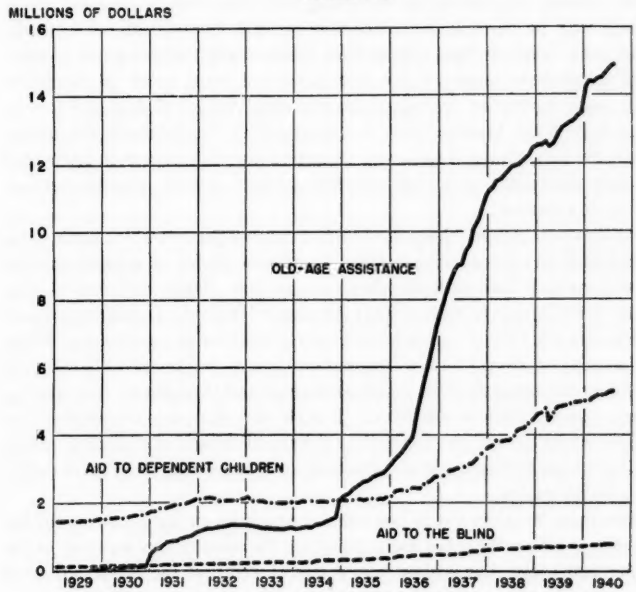



*Social Security Board, Bureau of Research and Statistics, Division of Public Assistance Research*

PUBLIC AND PRIVATE ASSISTANCE AND EARNINGS OF PERSONS EMPLOYED ON PROJECTS OPERATED BY THE WORKS PROJECTS ADMINISTRATION AND UNDER THE CIVIL WORKS PROGRAM IN 116 URBAN AREAS, JANUARY, 1929—AUGUST, 1940

† Earnings of all persons employed under the Civil Works Program, including administrative staff.
†† Earnings on Projects operated by the Works Projects Administration within the areas.

## CHART II




*Social Security Board, Bureau of Research and Statistics, Division of Public Assistance Research*

SPECIAL TYPES OF PUBLIC ASSISTANCE IN 116 URBAN AREAS JANUARY, 1929—AUGUST, 1940

# BOOK REVIEWS

*The Supervisor's Job in the Public Agency: Administrative Aspects.* By EVA ABRAMSON. Chicago: American Public Welfare Association, 1940. Pp. 59. $0.50.

Materials on the subject of the administrative aspects of the supervisor's job are received with anticipation since there is a scarcity of writings from this approach in days when the supervisor's position is so inextricably a part of the administrative organization and procedure. In this pamphlet Miss Abramson has directed her attention to the controls, mechanics, and devices which may be adopted by the case supervisor toward the fulfilment of her responsibility "to plan, direct and coordinate the activities of her workers." This responsibility, though not a new obligation imposed on a supervisor by the public programs, is increased, however, by the complexity and volume of work carried by the public services.

For those who find themselves lost in a maze of procedures and pressure work, she gives valuable suggestions for obtaining and using factual data on which supervision may be based and constructive services carried out. She clearly shows the gains in taking time to plan work purposefully and to adhere to some degree of schedule to safeguard the carrying-out of plans made. It should be helpful to every supervisor to understand the use of statistical data which indicate steps to be taken to correct an existent situation. Furthermore, the author has shown the importance of follow-up through active supervision in order that workers may incorporate new ideas into their pattern of work, thus strengthening the whole program.

The author's statement, that individual conference periods which are a valuable tool should be planned with workers "until such period as workers achieve full development of their skill and demonstrate their ability to function independently," would seem to indicate that the planned individual conference would be unnecessary after the worker achieved a certain degree of competence. While the conference period may be less frequent and less instructional on details, the reviewer does not agree that the group conference and the selected case reading are in any way a sufficient substitute. If such were the case, the emphasis of supervision would be only on "control" in the establishment of eligibility, rather than this, plus the development of workers in an ever growing program of public welfare administration.

Caution must be taken not to place undue emphasis on these control mechanisms nor to overlook the other more important "administrative aspects" of the case supervisor's job. The author, who states so well that the responsibility of

the supervisor is to utilize the factors existing in the total agency situation to fulfil agency responsibility, fails to present the significant administrative elements which bear upon a case supervisor's administrative staff relationships: her understanding and interpretation of legal restrictions, fiscal and social policies, agency rules and regulations and her participation in their formulation, modification and application. Administrative responsibility also rests in the understanding and interpretation of the administrative problems which affect case-work practice. This would seem especially important in relation to the author's point that the goal of supervision is the "development of the worker and her capacity to function intelligently, responsibly and independently in services of client and agency."

The case supervisor's responsibility cannot be fully performed administratively until and as she plans her work and uses her control devices as a means to an end—as the author points out. Beyond this also extend the other administrative aspects of her job by which and through which she successfully discharges her total responsibilities of "training, supervision and evaluation."

CATHERINE M. DUNN

BUREAU OF PUBLIC ASSISTANCE
SOCIAL SECURITY BOARD

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*Research Methods in Public Administration.* By JOHN M. PFIFFNER. New York: Ronald Press Co., 1940. Pp. 447. $4.50.

Mr. Pfiffner has written this book for the junior administrative technicians now emerging from our universities who expect to find employment in the field of administrative investigation and research. He feels that the present course of instruction provided for them is long on background and principles but short on techniques. The writing of term papers and graduate theses offers training in library research and traditional scholarly methods but has little direct bearing on the practical problems which these graduates will face in their first jobs in municipal research bureaus or university bureaus of public administration or government personnel, management planning, and research agencies.

Applied governmental research today calls for the intelligent application of quantitative methods, the technique of the personal interview, the drafting of questionnaires and schedules, the preparation of organization charts. It makes use of methods developed or applied by statisticians, sociologists, management experts, advertising agencies, and samplers of public opinion. Pfiffner's thesis is that these techniques can be taught in the first-year curriculum of graduate study in public administration, and this book represents the fruit of his efforts to supply such a course in practical fact-finding methods for his students at the University of Southern California.

Some may consider this field too specialized for university instruction. Certainly one may feel that the approach and techniques of research can never be

taught satisfactorily but must rather be absorbed by a process resembling osmosis. Nevertheless, the fact that good researchers can be made only the hard way does not mean that their path cannot be smoothed by judicious guidance and instruction. The material presented here is unquestionably useful. Pfiffner follows the research process from the stage of planning to the preparation and dissemination of the final report with pertinent advice and useful comment throughout. His discussion of successful interviewing methods, field-data techniques, the preparation and use of questionnaires, and organization and workflow charts will be found extremely helpful. The technique of public personnel classification is selected for special discussion.

The book is aimed primarily at students of public administration. But in these times who does not fall in that category? In any case the principal techniques dealt with are common to many fields. Certainly all those concerned with the problems of administrative or mass social research will find that the book speaks their language.

C. HERMAN PRITCHETT

UNIVERSITY OF CHICAGO

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*Introduction to Community Recreation.* Edited by GEORGE D. BUTLER for National Recreation Association. New York: McGraw-Hill Book Co., 1940. Pp. 547. $3.50.

This volume marks a milestone in the history of recreation in this country. It provides the first comprehensive view of community recreation—its meaning, objectives, history, program content, leadership, and administration. Because of the emphasis on public recreation the legal aspects of the subject receive much-needed attention. The public is indebted to the National Recreation Association, at whose request the book has been written.

Part I deals with recreation itself—its nature, extent, and significance. Among the most useful parts of this section is the review of government agencies providing recreation. It will doubtless be a surprise to many a motorist casually using a public park or to a play leader accustomed to referring to the pamphlets of the Children's Bureau for help in selecting play equipment to learn that in 1937 "approximately thirty-five units scattered throughout twelve departments of the Federal government were engaged in promoting sixty to seventy separate programs affecting the citizens' use of leisure time."[1]

There follows a brief treatment of semipublic agencies—settlements, community centers, organizations for boys or girls, young men or young women, etc. Private agencies and commercial agencies are then given brief consideration.

The author returns to the public field in an excellent treatment of munici-

[1] From Interdepartmental Committee to Coordinate Health and Welfare Activities, *Report of the Technical Committee on Recreation* (1937).

pal recreation, and a good answer is given to the important question "Can recreation be entrusted to government?" On the whole, it might be said that Mr. Butler gives the same kind of positive answer to this question for the field of recreation that has been given by students of public services in other fields. The relationship of publicly supported and privately supported recreation seems soundly but inadequately treated considering its importance for community planning.

The next section deals with leadership. Just as in the field of public relief a case has to be made for the social worker as over against the investigator, so in the case of recreation a case needs to be made for the recreation leader as over against the mere umpire or policeman. The argument based on the type of experience possible under good leadership is clinched by records of attendance at playgrounds with and without lay leadership—"Children have shown that they want more than just a place in which to play. They want a leader that can make the place interesting and exciting with challenging activities."

In his treatment of the training of leaders Mr. Butler differentiates between training for activity leaders, to be acquired in undergraduate courses, and training needed for specialists and executives. The provision for graduate training, to date, lacks the stimulus of large demand, for despite developments of the last few years only 3,345 of the 23,975 recreation leaders reported employed by localities for community recreation service in 1938 were serving on a full-time, year-round basis. This is one sign of the immaturity of the profession. Another sign of that immaturity is the fact that Mr. Butler in his treatment of graduate training for supervisory and administrative positions could list courses (an excellent, broad list, to be sure) and say nothing about supervised field work.

Of much practical value to the recreation worker or the city planner but of little interest to the average citizen are comprehensive and well-ordered sections on areas and facilities and the operations of playgrounds and buildings.

In the treatment of activities and program planning the author's philosophy of recreation finds concrete expression. There is an interesting classification of activities from the standpoint of the satisfactions which people seek from them. Among these satisfactions the author notes "opportunity to create, fellowship, adventure, a sense of achievement, the enjoyment of one's physical powers, the use of one's mental powers, emotional stimulation, beauty, relaxation, and opportunities for service." As illustrations of the various ways in which types of recreation provide these satisfactions for different human beings, the activities are classified according to a more conventional pattern—useful for indicating types of activities which should be considered in developing a recreation program.

The organization and administrative problems of the public recreation agency are treated in a section containing a wealth of well-organized, illustrative material from large and small communities. Charts add to the value of these chapters. Municipal and state legislation—actual and desired—is treated briefly but clearly and provides clues for the discovery of more complete material. Seven

principles to guide a public agency and to lead the public to know what it ought to expect are suggested as undergirding any of the many possible forms of organization.

Although Mr. Butler's book treats public recreation primarily, its value is not confined to workers in the public recreation field. Private agencies here, as in other fields, must see their services against a backdrop of the public services, which express the increasing sense of responsibility of citizens for opportunity for all the people. Acquaintance with the possibilities of public recreation as displayed in this book might, in fact, set private agencies free for more intensive types of service such as group work and services to specialized groups for specialized objectives.

This review ends where the book begins: What does recreation mean anyway—a sand box, a golf course, a basketball game, a chorus, a club, a quiet corner with a book? Any of these or more, as the case may be, are included in the scope of recreation. Many an adult who secretly does not wish to be pushed into recreation by some professionally interested recreation worker will relax after reading the author's first chapter.

> Recreation . . . . is any form of activity in which an individual feels a sense of freedom and of self-forgetfulness and to which he gives himself freely and wholeheartedly because it elicits from him a harmonious and satisfying response. Participation in such an activity is characterized by lack of compulsion, restriction, or pressure from outside the individual. This conception of recreation helps to explain why for certain individuals such activities as laboratory research or the study of archaeology have the characteristics of recreation, although for most people they do not.

LUCY P. CARNER

COUNCIL OF SOCIAL AGENCIES OF CHICAGO

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*Rural Life in Process.* By PAUL H. LANDIS. New York: McGraw-Hill Book Co., 1940. Pp. xviii+577. $3.75.

*The Sociology of Rural Life.* By T. LYNN SMITH. New York: Harper & Bros., 1940. Pp. xx+595. $3.50.

These recent textbooks in rural sociology will interest the rural social worker. Although both books cover much of the same ground and draw largely on the same source material, there are significant differences in the way the material has been handled. Each author presents an analysis of rural population; discusses its stability and mobility, patterns of rural social organization, and rural religious, educational, and governmental institutions; and each deals to some extent with the social processes in rural society.

The Smith book is intended as a text for the college Sophomore level. For this reason, perhaps, the arrangement and style are somewhat less satisfactory for the graduate student than the Landis volume, which is also somewhat less encumbered by sociological terminology.

Both books focus on the rural farm population and give little attention to the

rural nonfarm group, from which approximately half of the case load of rural social workers is drawn. Both books contain useful references to source material at the end of each chapter, and Mr. Smith adds a comprehensive bibliography.

Mr. Landis has prepared a book which should be extremely useful to students of social work who expect to work in rural communities. The author has carefully documented much of this material, but on the other hand has contributed a great deal of his own thinking about present-day rural life, of which he has an unusually practical grasp. The title of the book is significant as the emphasis throughout is on the dynamic nature of modern rural culture. The most valuable parts of the book are those which present the effect of rural cultural factors, the rural physical environment, and rural social organization on the development and adjustment of personality. His sociopsychological approach to rural life is considerably more helpful to the prospective social worker than the massing of sociological data without special focus or direction, such as often characterizes texts in this field. The social worker will appreciate the author's refutation of data which have been presented by other sociologists to prove the intellectual inferiority of rural people and the great prevalence among them of pathological conditions. The author also seems to have an awareness of individual differences between rural people and gently ridicules his colleagues who have compiled long lists of traits which are supposed to belong to rural people as a group. Mr. Landis attempts to evalute rural institutions in the light of their effect on the individual's adjustment and to indicate the direction in which they might develop more effectively. For example, his treatment of the effect of the one-room school experience on the development of personality and the later social adjustment of the child is valuable as well as his discussion of trends in rural education.

Unlike Mr. Smith, Mr. Landis gives considerable attention to what he calls "Rural Pathology and Welfare Institutions." He includes his own point of view on social work as a product of urban-industrial culture and devotes two chapters to "Rural Dependency Mores, Social Work, and the Client" and "The Problem of Rural Health." While there is some indication that Mr. Landis is not too familiar with the objectives and methods of professional social work, his point of view is at least interesting. He comments, for example, that it is doubtful whether "even the most careful social work investigation ever reveals as completely the background experience of clients as does the memory of older people in stable rural neighborhoods." And again that the trained worker "builds a case history which is already commonplace to the local group."

Mr. Landis again raises the question which was brought to a head several years ago by the Association of Land Grant Colleges and Universities concerning where the rural social worker should receive his professional education. He asks whether rural sociology departments should develop a rural social-work curriculum or leave "rural case work training to the urban-centered universities." While asserting that he is in favor of divorcing social work from sociology, at the same time he states that rural sociology now faces "the problem of rural social

welfare" and that the rural sociologist is perhaps in a better position than anyone else to give the prospective social worker the "fundamental grounding" which he must have to succeed in the rural community. He also indicates his belief that the social worker who is to handle the problem of rehabliitation of dependent rural families must have had four years of study in the field of technical agriculture "to gain knowledge of soils, livestock, rural culture, and farm management problems." His alternative is an active program of co-operation between the social worker and the staffs of the extension services and the Farm Security Administration who have this background in technical agriculture. Mr. Landis emphasizes the responsibility of the social worker to understand the farm specialist's program. He says nothing about the responsibility of the latter likewise to understand and utilize through co-operation the special skills of the social worker whose competence lies not in his ability to improve methods of farming but in his understanding of the individuals who farm and his appreciation of the personal factors which are involved in adjustment to the land and to the rural community. Many rehabilitation plans of agricultural experts have failed because the persons directing them did not know enough about the human element involved. It is perhaps through co-ordination of effort on the part of the social workers and extension leaders that the best results will be obtained in the rehabilitation of farm families. While the reviewer can certainly agree that an understanding of the rural relief problem, of rural mores, attitudes, and psychology are valuable to the rural worker, we should like to suggest that a well-rounded professional preparation for social work, either urban or rural, ought to include much more than this. The answer to the question of professional preparation for social work in rural communities lies not so much in whether the school is located in an urban or rural community but in the professional preparation and experience of its teaching personnel, its facilities for field work in good social agencies, and its ability to give the student fundamental preparation for sound professional practice.

Notwithstanding some disagreement with Mr. Landis' point of view the reviewer believes that this book constitutes a valuable contribution of practical material for reference use of social-work students and rural social workers.

GRACE A. BROWNING

UNIVERSITY OF CHICAGO

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*What's Ahead for Rural America: Proceedings of the Twenty-second American Country Life Conference, State College, Pennsylvania, August 30–September 2, 1939.* Chicago: University of Chicago Press, 1940. Pp. 173. $2.00.

Concerned with the impact of changing social, economic, and political forces and modern technologies upon farm incomes and the lives of farm families, the Twenty-second Conference of the American Country Life Association chose as its general theme the significant subject "What's Ahead for Rural America?"

The program was directed toward three general areas of life in rural America, "Agriculture in the National and World-Economy," "Education for Life in Rural America," and "Enriching Rural Culture through the Arts." In his presidential address, Dean Chris L. Christensen of the Wisconsin College of Agriculture examined present conditions and problems in these areas, suggested objectives, and challenged agriculture, industry, commerce, and labor to utilize our resources and redirect our forces to accomplish these objectives and a better way of life for both rural and urban America.

Part of the Conference was organized in the form of a National Rural Forum for the discussion of the vital question of "What's Ahead in Relation of the Farm Group to Labor and Industry?" and the subject "Education as a Continuing Process." In connection with the first of these questions, representatives of agriculture, labor, and industry presented their respective viewpoints, which were in agreement at least upon the necessity of co-operation among the various economic groups and a stable, prosperous agriculture if we are to attain a sound national economy and maintain a democratic form of government.

These discussions show that farmers have been torn between acceptance of commercialized agriculture, accompanied by government regulation and price-fixing, and the older emphasis upon "individual freedom to buy, to sell, to farm and to live." Agriculture is tied up with policies and conditions of labor, industry, commerce, and world economic conditions. The change to commercial farming has "thrown the farmer into the vortex of a complicated urban economic situation." Furthermore, about one-half of our agricultural lands now produce crops that are dependent upon export outlets, and the prices of these commodities are determined by world supply-and-demand forces.

The discussion stressed the importance of education as a continuing process to aid the individual in evaluating significant changes in his physical and social environment resulting from these political and economic forces and in deciding upon "what adjustments he must make in order to secure those values he believes indispensable to living in the country." Consideration was also given to the development of resident rural leadership for continuing adult education.

For members of the Youth Section, meetings were arranged on "The Public School of the Future," "The Land Grant College," "The Country Church of the Future," and "Art and the Rural Home." The Conference emphasized the enrichment of country life through development and use of rural cultural arts as one of the "truly beautiful features of our rural civilization" and provided the opportunity to appreciate these in the form of paintings, literature, folk games, music, and drama.

Although the hopes for achieving the objectives considered at this Conference may be at low ebb, it is important that such an organization stimulates and directs thought toward constructive efforts to solve rural problems, not as a separate category, but as a part of our whole problem of American life.

M. BRANSCOMBE

UNIVERSITY OF CHICAGO

*The Law of Public Housing.* By WILLIAM EBENSTEIN. Madison: University of Wisconsin Press, 1940. Pp. 150. $1.75.

A recent statement that the public housing program may well be the first casualty of the war seems to be justified by the fate of Senate Bill No. 591, the passage of which would have made possible the expansion of our low-rent housing program in the United States. Whether the pressure of housing needs, intensified by a war economy, will assure the continuation of this program will depend upon articulate support and leadership.

At this critical time a book like Dr. Ebenstein's *The Law of Public Housing* is of particular value. While a great deal of material has been presented during the last few years on the subject, Dr. Ebenstein presents additional facts and makes a new synthesis. Following an adequate statement of the conditions existing today, as well as of the problems presented by the vast extent of substandard housing conditions throughout the country, he presents the concept of the role of government in the field of housing beginning with the early control of nuisances down to the present regulations of building codes, of provision for demolition of substandard housing, excess condemnation, and zoning.

The development of state and federal public housing programs is covered, programs which developed after the realization that private enterprise, through individual action, was unable to cope with the problem. The use of federal condemnation of land for housing and pertinent state supreme court decisions are discussed. The implications of the right of states to use the power of eminent domain in the housing field, constitutionality of municipal housing authorities, questions of taxation, and general welfare are fully covered.

The last chapter touches on some of the programs of European countries. For further information an appendix contains the text of the United States Housing Act of 1937, as amended, and two leading cases relating to public housing. This book offers a well-rounded discussion of the legal and social development of our present public housing program. It is a valuable contribution to the field and will give the reader an adequate background in an important field of social action.

D. E. MACKELMANN

METROPOLITAN HOUSING COUNCIL
CHICAGO

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*The Machinery of Justice in England.* By R. M. JACKSON. Cambridge: University of Cambridge Press, 1940. Pp. 342. 16*s*.

This description of the English judicial organization and administration should be helpful to every instructor giving a course on social work and the law. First, the fact that the methods and principles of the common law still dominate many of the decisions in fields of controversy in which social-work students are interested, as well as the fact that many reforms in process of being

put into effect or being discussed have been initiated and in part carried out in England, make it important that students get some idea of how these things are actually done in England. And this has not been information easy to supply adequately and accurately. The author has had in mind giving first the information needed. He has in mind, of course, the prospective legal practitioner rather than the social worker, but his attitude is one of fine objective criticism as well as of careful presentation, and the result is interesting and may be very useful.

He naturally introduces the discussion by describing the structure of the courts and explaining the development and scope of the common law. He then devotes eight chapters to procedures within the range of civil jurisdiction and nine to the criminal-law administration. Here the discussion is very interesting, for it is difficult for the student in the United States to envisage a national system of law enforcement, and the author makes clear what some of the advantages are. The chapters on "Juvenile Courts" and "Probation" are especially pertinent.

The social-work student will be interested in the description of the personnel—judges, solicitors, barristers, juries, and other court officials. The chapter on "A Ministry of Justice" and that on "Legal Aid for the Poor" will likewise have interest for those who have come into contact with the local courts, who are hoping for some order to be brought out of the development of the attorney-general's office and function, out of the multiplying of judicial councils, and perhaps most hopefully from the development of administrative services in connection with the federal courts. The author is not happy over the provision for the poor either in the criminal or in the civil side of the courts, and his discussion will be helpful to those who are not happy either over the lack of facilities or over the provision that has been made in the United States.

S. P. BRECKINRIDGE

UNIVERSITY OF CHICAGO

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*Canadians in and out of Work: A Survey of Economic Classes and Their Relation to the Labour Market.* By LEONARD C. MARSH. ("McGill Social Research Series.") Toronto: Oxford University Press, 1940. Pp. xx+451. $3.50.

This substantial study is the ninth volume of the "McGill University Social Research Series," devoted to the study of employment and unemployment in Canada. It is the broadest and most important volume in the series to date and represents a major contribution to the literature on Canadian social and economic problems.

The material is presented in four parts. Part I is an analysis of the working population by occupational and economic status. Part II is entitled "Socio-economic Differentials"; it pays some attention also to regional and ethnic

factors. Of particular interest are chapters on the "Distribution of Income," "Occupational Mobility," and "Education and Access to School." Part III analyzes unemployment by occupational classes, showing the all too familiar heavy incidence of unemployment among the less skilled groups. Social workers will be interested in the chapter on "Unemployment and Relief," factually relating the higher incidence of destitution to the higher incidence of unemployment, and showing clear awareness of the economic causes of "unemployability."

Economic analyses of this kind are now familiar in social-work literature, though none has been made for Canada. It has been a disappointing feature of some that they failed to integrate their findings in terms of desirable social policy to meet the needs revealed—the inevitable question, "So what?" has not been met. To this reviewer the merit of this study lies at this point. Its final section, Part IV, "The Wider Outlines," offers an integration of the previous material in terms of social implications and policy. In this attempt the chapter on "Social Classes" is less successful than the later ones in that the economic criterion by itself, while a fairly adequate one for wage-earning groups, becomes less clear for the farmer. Canada's farm group is large, and the Dominion is yet too close to its pioneer days to have experienced class stratification on this occupational basis alone; factors other than economic are needed to clarify such a treatment. The following chapter on "Occupational Recruitment" summarizes the economic and social aspects of "occupational inheritance," drawing a forceful picture of the influence of educational inequalities in perpetuating the working-class family's social status.

The final chapter on "Some Implications of Policy" is the red meat of the study. There is pointed discussion on the need for federal co-ordination of unemployment administration (now also a basic recommendation of the recent Royal Commission on Dominion-Provincial Relations). The urgent need for a broad program of scholarships is stressed, one truly democratic in action, to recognize ability wherever found and offer it substantial educational opportunity. Accompanying such provision is the need for greater educational diversity at the secondary-school level so that the mass of our youth can acquire the kind of education needed to fit them for the economic and social tasks that will be their early responsibility. To finance these broader schemes the extension of the social insurance practice is advocated—the collective use of incomes (or parts of them) to finance public services which the individual needs but is unable to purchase for himself. The justification for this extension lies in the very real perils to the state in the present disadvantaged position of large numbers of youth. The study was completed before the outbreak of the war, but the present life-struggle of democratic society now adds the note of imperious urgency to the author's closely reasoned plea.

The study is well prepared, livened by the generous and skilful use of statistical charts, and thoroughly documented. Illuminating reference is made to re-

cent British and American studies and experience as guides to a Canadian program. It is required reading for anyone interested in the Canadian employment situation. By contrast and implication, it can well interest those with similar interests elsewhere.

STUART K. JAFFARY

UNIVERSITY OF TORONTO

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*Joseph Tuckerman: Pioneer in American Social Work: A Dissertation Submitted to the Faculty of the School of Social Work of the Catholic University of America for the Degree of Doctor of Philosophy in Social Science.* By DANIEL T. MCCOLGAN. Washington, D.C.: Catholic University of America Press, 1940. Pp. xx+450. $2.50.

A biography of Joseph Tuckerman, whose philosophy and more practical activities should be known to every social worker, is long overdue. Although the framework of the present volume tends to be theological rather than social, it may emphasize the fact that Mr. Tuckerman's own approach was first that of minister to the poor. One finds here an adequate presentation of the many contributions which have led to the bestowal upon Mr. Tuckerman of the title "father of scientific social work." Here is the man who recognized more than a hundred years ago the necessity for what in modern terminology have become "case histories," "social service exchanges," "councils of social agencies," and "case committees." He saw clearly that the most effective means of preventing crime was to prevent juvenile delinquency and realized the ineffectiveness and positive harm of juvenile hearings in a criminal court. He emphasized the importance of the place of a truant officer in the then meager field of public education. Adequate provision for the dependent child, better care for the insane (his urging the removal of this group from the house of correction in Boston antedated at least fourteen years the crusades of Dorothea Dix), improved housing, and the treatment of alcoholism as a disease were among the many needs recognized by this reformer. While the modern social worker may not agree with his categorical and somewhat naïve classification of the groups of the poor, it was an improvement over the then prevailing lack of discrimination in thinking of them as a distinct class, and his interest in individual cases did lead him more and more to realize the larger role of such economic factors as unemployment and insufficient wages as contrasted to the contemporary belief in moral turpitude as the causes of poverty.

However, one regrets that this early "social worker's" far-reaching potentialities in the field of the relief of poverty are shadowed by his espousal of that part of the Malthusian doctrine, then so strongly emphasized in the English poor law reform, which saw in public relief only pauperizing tendencies. While reporting as agent for a legislative committee investigating the poor laws of Massachusetts, he concluded (in 1833) that "Christian humanitarianism" and char-

ity if left unfettered by legal enactments would be sufficient. He did not vision a possible utilization by the public agencies of individualized service, today known as case work, and whose value he so clearly recognized. The proposed nine resolutions for the reform of poor relief reflect his firm adherence to the principles of private charity and his lack of recognition of the difference between the effect of satisfactory reform of the poor laws and their repeal.

Among the more difficult tasks of a biographer is that of wise limitation of the space devoted to social movements, historical background, and associated individuals, lest the volume become general rather than specific. The social-work reader of this biography, therefore, may regret the generous inclusion of such material with much of which he would be expected to be familiar and from which he must extract the real subject of the volume. Inclusion of essential data in page footnotes and use as appendixes of the space saved for some of the many available but not generally accessible documents from Mr. Tuckerman's own pen would seem a desirable solution.

MARGARET CREECH

UNIVERSITY OF CHICAGO

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*Modern Marriage.* Edited by MOSES JUNG. New York: F. S. Crofts & Co., 1940. Pp. xiv+420. $3.75.

This compilation of articles on marriage, utilizing "the contributions of the various sciences closely allied with human welfare and behavior," is an outgrowth of the course on marriage offered to undergraduates at the University of Iowa and as such is geared to the needs of young people. The editor and contributors in general have dealt realistically with the subject and the book is relatively free from the triteness and sentimentality which often characterize this kind of material.

The social worker will notice a sociological bias in the book, although legal, psychological, and psychiatric points of view are represented. Withal there is as much unity of viewpoint as can be found in most compilations, although the schematic organization of the material is not entirely clear.

The first few chapters present the sociological aspects of family organization and disorganization, re-enforced by chapters on the economic, legal, aesthetic, and mental hygiene factors in marriage. That on the "Legal Aspects" is particularly well presented. The following chapters on the biological factors are excellent in their complete and scientific clarity, while the section on eugenics deals with this complex subject almost too exhaustively for the ordinary reader. There follows material on character and religious values in marriage, and the last part of the book is given over to child development and child welfare. The latter subject is somewhat unusual for this kind of book but gives a bird's-eye view valuable to any parent or lay person.

Some of the material suffers from the brevity of its presentation; this is par-

ticularly true of Dr. Dorsey's chapter on "Mental Hygiene and Marriage," where an attempt to simplify a complex subject may raise more questions than it answers. On the other hand, such a subject as the place of women's careers in modern family life receives excellent treatment in several of the articles and indicates some of the realistic approach of the book.

In general this is not a profound book but does serve to bring together both information and a point of view about a subject that only slowly emerges from clouds of sentimentality to any objective scrutiny. *Modern Marriage* would be good reading for any undergraduate and may serve a purpose for many others, including social workers, who are looking for modern points of view on this subject.

JEANETTE HANFORD

UNITED CHARITIES OF CHICAGO

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*Mental Hygiene: A Manual for Teachers.* By JOHN D. M. GRIFFIN, S. R. LAYCOCK, and WILLIAM LINE. New York: American Book Co., 1940. Pp. xi+291. $1.75.

This book offers a practical presentation of mental hygiene in the field of education. It emphasizes the opportunities and responsibilities of education for developing mentally healthy individuals who are well adjusted and happy in their varying life-situations. The individual is described as a growing person with normally wide variation in type and behavior. Symptoms and types of behavior indicating poor growth are discussed in terms of emotional, social, intellectual, and physical traits. A plan, applicable for the teacher, of studying the individual by the case-study method is given. The authors give many practical suggestions to help the teacher deal with problems in educational surroundings. Parents and home are definite parts of many problems, and co-operation is essential in the more severe cases if adequate results are to be secured. Administration and organization of the schools play an important part in a successful mental-hygiene program. The teacher must be a mentally well-adjusted person if he is to work successfully in his profession. The authors recognize the teacher's many responsibilities and limitations in dealing with the more severe types of problems. The book is especially good in helping the teacher to see how he can use the various community resources as aids in his efforts to help children—not only by clinical and social welfare agencies but by the various other social and character-building organizations that can broaden a child's experience.

The book, on the whole, is very useful in presenting the practical aspects of dealing with mental-hygiene situations in the schools. In discussing emotional factors, however, there is the tendency to emphasize the negative aspects, such as fear and anger, without giving recognition to the positive phases. These are only indirectly discussed in terms of satisfaction and interest in activities and

group relationships. No mention is made of the vitally important emotional reaction of guilt. In discussing the teacher's emotional stability only casual mention is made of the fundamentally important need of the teacher for a real love and liking for children.

While the educational task is referred to as a co-operative one between school, home, and community, the importance of parent-teacher discussions is recommented only in connection with problem situations. The value a teacher may receive toward understanding all his pupils better by establishing a policy of discussing each child with one or both parents at least once a year is not mentioned at all.

The book, which has numerous concrete suggestions and is well supplied with references for further study, will be of real value to teachers, educators, and students who are just beginning their study of mental hygiene in education. It is well worth the time of those in the more strictly mental-hygiene fields who wish to orient themselves to its educational aspects.

MALCOLM H FINLEY, M.D.

DEPARTMENT OF EDUCATIONAL COUNSEL
WINNETKA PUBLIC SCHOOLS

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*Health Is Wealth.* By PAUL DE KRUIF. New York: Harcourt, Brace & Co., 1940. Pp. 246. $2.00.

This book summarizes Mr. de Kruif's efforts to secure federal interest and sponsorship of a national health program that he and a small group of public health men and clinicians formulated in 1937, following a successful demonstration of tuberculosis control in Detroit, which had proved the economy of sound preventive health measures in place of treating sick persons and supporting their dependents. The book is a curious combination of a liberal, inclusive approach to national health planning and of a protective, defensive concern for the interests and methods of organized medicine. Despite his apparent animus against the American Medical Association, Mr. de Kruif has on the whole adopted its platform, the two most notable features of his "non-controversial national health program" being, first, that medical care shall be made available to the medically indigent—eligibility to be based on residence and inability to secure medical care without deprivation of the subsistence necessities—and, second, that the federal health program "shall in no manner whatsoever provide for, make possible, or grant support to any compulsory type of health insurance or compulsory medical service insurance."

Mr. de Kruif, too, appears to be caught in the contradictions and inconsistencies of the organized medical profession, and his conflict is apparent throughout his book. Written in his usual staccato style—designed for "popular consumption"—it serves mainly as a vehicle for venting his feelings over the

failure to secure consideration of his program. Unfortunately, he so plausibly straddles the fence of adopting the views of organized medicine and those of more liberal groups concerned with health and medical care that he only intensifies the confusion, and his book will add little toward clarifying lay thinking on this subject.

DORA GOLDSTINE

UNIVERSITY OF CHICAGO

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*Borrowed Children.* By MRS. ST. LOE STRACHEY. New York: Commonwealth Fund, 1940. Pp. xiv+149. $0.75.

Early in September, 1939, some 730,000 unaccompanied school children were evacuated from their London homes to parts of England considered to be safe. Mrs. Strachey's informal report on certain aspects of this tremendous undertaking is exceptionally interesting. This account was not intended "for trained psychologists, the trained educationalist, or practiced social reformer," but rather to give "intelligent, untrained people deeply concerned with the Nation's children a picture intimate in its detail of the first months of evacuation and of the unforeseen problems which immediately arose." Although perhaps unforeseen, many of these problems would seem to be the natural consequence of such violent dislocation as occurred in the children's lives. That they constituted very serious problems for the people on whom the children were billeted cannot be doubted. With housekeeping arrangements already strained to the limit, the breaking-point frequently came when enuresis, temper tantrums, and other evidences of fear and anxiety developed among the young guests. The situation became even more acute when it became impossible to provide sufficient educational facilities, with the result that the children, accustomed to the wholesome routine of daily school attendance, literally ran wild.

Although at the time this review is being written plans for the transporting of additional British children to this country have been suspended,[1] it is to be hoped that this little book will find its way into the hands of many American "foster-families" whose offers of hospitality still stand. Even in this country where it has been possible to make less hurried preparation for the children's reception and to safeguard the placement through the use of well-organized child-placing agencies, this account of British experience will be helpful.

JAMES BROWN

UNIVERSITY OF CHICAGO

[1] See this *Review*, pp. 736–42.

## BRIEF NOTICES

*Books about the Blind: A Bibliographical Guide to Literaure Relating to the Blind.* By HELGA LENDE. New York: American Foundation for the Blind, 1940. Pp. vii+215. $2.00.

The purpose of this book is to serve as a reference guide for persons desiring information concerning the visually handicapped. The classification of the material under the general headings greatly facilitates locating the desired data. This has been done under the following five groupings: (1) "Education of the Blind," (2) "Psychology of Blindness," (3) "Vocational and Economic Adjustment," (4) "Social Adjustment," and (5) "Literature and Reading." The "Deaf-Blind" and "Biographies and Autobiographies" complete the general headings.

There are approximately 2,700 references based mainly on the book collection in the Library of the American Foundation for the Blind. The volume gives both old and recent source material with a notation as to content. Although these observations are brief, Miss Lende, besides giving date of publication, attempts to show the thesis of the writings rather than, in most cases, to evaluate the book. There are only thirteen pages of references concerning social adjustment, but in the broadest sense most of the references deal with that problem.

Important preventable aspects are so closely allied in our thinking with the end results of blindness, some persons may turn to this book for information on this aspect. Prevention, however, is not the primary function of the American Foundation for the Blind, and material concerning it may be obtained from the National Society for the Prevention of Blindness.

This volume is especially helpful to students and to specialists in the field for the physically handicapped who either are looking for comparable material or want to be sure that they are familiar with the bulk of information published relating to a particular field.

This book, which is in effect a reader's guide for literature on blindness, is welcomed by those in work for the visually handicapped and will be of inestimable worth to those who are entering the field. This volume, unique in its usefulness, will be a valuable one to own. It is hoped that further funds will be available to keep the material up to date.

RUTH E. DOUGLASS

DEPARTMENT OF SOCIAL SECURITY
OLYMPIA, WASHINGTON

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*A Doctor for the People.* By MICHAEL A. SHADID, M.D. New York: Vanguard Press, 1939. Pp. 277. $2.50.

Social workers will be interested in this autobiography of the founder of the first co-operative hospital in America.

The story of Dr. Shadid's deprived childhood in a Syrian village and his later struggles to gain an education are told in the early chapters and provide background for understanding his later career. Having attained the coveted degree of Doctor of Medicine from Washington University in St. Louis, Dr. Shadid spent about eight years

in various rural communities, finally settling in 1911 in Elk City, Oklahoma, a small agricultural center in the present dust-bowl area.

The greater part of the book relates to the co-operative hospital founded in 1929 by Dr. Shadid. A co-operative cotton gin operated by the Farmer's Union had suggested to him a plan for placing hospital care within reach of the low-income families in and near Elk City.

The hospital plan was at first merely subjected to undercover attacks from doctors whose practice or privately owned hospitals were threatened by it, but later it became a target for direct opposition from the Medical Association. Dr. Shadid was first dropped from the County Medical Society (after a membership of eighteen years) and later succeeded in averting the revocation of his state license only by a court injunction. Organized opposition to the hospital was culminated in 1936 by legislative attempts to amend the Medical Practice Act in such a way as to put the hospital out of business.

The hospital, however, survived through the sponsorship of the politically powerful Farmer's Union. It has been enlarged twice, and at the present time it is operating successfully with a membership of two thousand individuals and families on a prepayment plan. Families of four or more receive medical and surgical care, X-ray and extraction of teeth for twenty-five dollars a year plus two dollars a day for general hospital care and greatly reduced fees for use of operating rooms and special equipment in the hospital.

Closing chapters of the book are devoted to a review of the developments of group medical plans in other parts of the county and to a discussion of some of the practical problems involved in co-operative medical care.

That such a story would be tinged by the bitterness of the author is understandable, but nevertheless it is significant as the record of a successful experiment in group health care for low-income families in a sparsely settled rural area. Its significance can better be realized by those who know the economic plight of the farmer in the drought area during the last ten years and who realize that, until 1936, the nearest publicly owned general hospital in Oklahoma was 165 miles from Elk City.

GRACE A. BROWNING

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*The Unseen Plague—Chronic Disease.* By ERNST P. BOAS, M.D. New York: J. J. Augustin, 1940. Pp. 121. $2.00.

In this book Dr. Boas presents a clear and comprehensive summary of the problems of chronic illness, bringing us up to date with regard to recent studies in this field. In line with current thinking about national health planning, he presents an inclusive community program for the chronic sick, discussing in detail the plan for centralized hospitals for chronic diseases of which he has long been an exponent. The book adds little to Dr. Boas' previous writings in this field, but it serves as a convenient summary of his own standard work, *The Challenge of Chronic Diseases*, published in 1929, and of his more recent contributions, and as such should have value for many persons in public welfare administration who are concerned with the problems of dependency and special care to which chronic illness gives rise.

DORA GOLDSTINE

UNIVERSITY OF CHICAGO

*The Public Health Nurse and Her Patient.* By RUTH GILBERT. New York: Commonwealth Fund, 1940. Pp. viii+396. $2.25.

In this book the author, a nurse and psychiatric social worker, indicates the contribution of mental hygiene to public health nursing, and here the public health nurse will find a guide to action in dealing with the many perplexing problems encountered in her daily contact with the patient, the parent, and the family. Its three principal values are (1) an approach to everyday problems from the mental hygiene point of view; (2) perspective, made possible through an understanding of the longitudinal section of a person's life-happenings into which fit the incidents of illness; and (3) the application of recent scientific thinking to actual practical problems with helpful suggestions for meeting these problems satisfyingly from the standpoint of nurse, patient, parent, and family.

In the chapter dealing with "The Child in His Family," the nurse faces a challenge to discard the old-time, fixed schedule imposed upon the young child and to become a learner alert to discover the individual child's pattern of needs as presented by the child himself.

The final chapter deals with educational growth and the establishment of good working relationships of nurses within their own organization and with other community groups.

This book is easy to read, and, because of its understanding approach to the problems of the patient or client in need, it is of value to the social worker as well as to the public health nurse.

EULA B. BUTZERIN

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*The Mental Hygiene Movement from the Philanthropic Standpoint.* New York: Department of Philanthropic Information, Central Hanover Bank and Trust Co., 1939. Pp. 73. $0.25.

This book attempts to show the need and opportunity for financial assistance in the mental-hygiene field for those who wish to help a worth-while cause. The book deals first with the types of individuals and mental diseases that are dealt with through the mental-hygiene approach and then with the history and slow development of the movement until recent years which has resulted from ignorance about mental conditions. Efforts during the last century to improve the care of mental patients are discussed, as well as the development of the various branches of the mental-hygiene movement in our own day in the fields of hospital care, psychiatry, social service work, the child guidance clinic, education, and other fields. The best and most far-reaching opportunities of giving assistance in the mental-hygiene field are through the National Committee for Mental Hygiene with its diversified program and the various state mental-hygiene societies. Other valuable opportunities are through the training of personnel by means of fellowships, expanding psychiatric departments in medical training centers, and improvements in privately endowed mental hospitals. The fact that the movement is comparatively young is emphasized, and progress will depend very largely on research. At the present time this is rather limited when one considers the vast financial outlay in this country for the care of the mentally ill. A long-term fund should never be narrowly restricted. Changes in the field are so rapid that the effectiveness of this type of fund may be reduced in a short time.

The book should stimulate a genuine interest in mental hygiene in those who are seeking a place to put funds they wish to donate. There are numerous references for the person who wants to make a more detailed study as the book is not intended to be an exhaustive review of the field.

MALCOLM H. FINLEY, M.D.

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WINNETKA PUBLIC SCHOOLS

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*The Triumph of Willie Pond.* By CAROLINE SLADE. New York: Vanguard Press, 1940. Pp. 370. $2.50.

Like Joseph Vogel's story of Adam Wolak,[1] this novel deals with a family on relief. It is the kind of book one would like to send to lawmakers who lack the time or desire to plan for co-ordinated public welfare services and to those persons who all too frequently are engaged in the administration of relief not only without professional preparation but without sensitivity or imagination.

Willie Pond probably lived in Middletown. He had been a mill superintendent; his first flat had been "papered new all through," and his and Sarah's first two children had been born in a hospital—then the mill closed, and Willie worked for the W.P.A. When the story opens, the reader knows at once that Willie has tuberculosis, but he makes a valiant attempt to hide his illness for fear this job too will be lost. But Willie is injured in an accident, and while in the hospital with a broken leg the tuberculosis is discovered and plans are made to send him to the state's magnificent sanatorium. That is the crux of the tale.

While Willie was on W.P.A. the family slowly starved on his wages, and there was "no trust anywhere." The welfare worker, when supplementary aid was asked for, always inquired concerning what Willie did with his money. But after he is out of the home the Board of Children's Guardians can accept the case. After the social worker from that agency and an adequate assistance grant enter the picture, a transformation begins in the Pond household.

Willie's sons and daughters are classic examples of what poverty and insecurity does to children. George, a bit reminiscent of Tom Joad, succeeds despite his feeling of handicap because he wears "federal pants." Betsey with amazing fortitude takes over responsibilities that the defeated Sarah drops one by one. Jackie exclaims boldly when he hears that he is to have another brother, "I don't want more kids, then I don't get so much to eat." Mary made money the only way she could. Unable to endure the desolation and deprivation longer, she is the first child to leave the home, just before the Board of Children's Guardians makes it possible for the family to move from the "Beehive" into decent quarters.

The story emphasizes the irony of a situation which makes adequate aid and social services possible for a family so long as the father is out of the home or incapacitated but denies it to the unbroken family. In this story Willie sees to it that his family meets the eligibility requirements for continued aid.

This really is a kind of "Everyman" for the field of social work. It includes the "welfare" worker eager for an administrative job; it is she who characterizes Willie's family as "spineless, stubborn, and demanding," there is the understanding worker

[1] *Man's Courage* (New York: Alfred A. Knopf, 1938).

whom the Ponds like because, as Betsey says, she never complains to them about how much they cost the city—"like we were trucks or something." The court worker, supervisor, judges, doctors, and matrons are all authentic.

There are possibly too many characters, but Mrs. Slade has been faithful in her reporting. While the style is not so arresting as that of Faulkner or Steinbeck, she has, nevertheless, thrown into high relief the lack of co-ordination from which welfare services suffer in many communities and the imperative need of skilled, sympathetic, understanding personnel in all agencies dealing with human welfare.

MARY HOUK

UNIVERSITY OF CHICAGO

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*Aliens and the Law: Some Legal Aspects of the National Treatment of Aliens in the United States.* By WILLIAM MARION GIBSON. Chapel Hill: University of North Carolina Press, 1940. Pp. 200. $3.00.

There have been in the past various studies of the immigration laws and their administration. The present volume, however, begins after Ellis Island is passed. This book does not deal with questions of debarment, deportation, or expulsion. *Aliens and the Law* is a study of the treatment of aliens after they have legally entered this country and are trying to live and work here. It attempts to answer questions regarding how far the alien resident is protected by international law and how treaty provisions affect his treatment in the United States; what property rights he has and how he is taxed. "What are his rights in the matter of employment and workmen's compensation insurance? How does municipal law influence the development of international law? In what direction?" These important questions are competently discussed. Various state papers —statutes, treaties, decisions of state and federal courts, and awards of tribunals of arbitration—have been used in answering these questions.

International customary law prescribes a minimum standard of treatment for aliens which all nations must respect. Aliens are entitled to "life, liberty, and property" while resident in a foreign country. The United States has been a signatory to various treaties which guarantee minimum national treatment provisions.

This book will be useful to all social workers and to others who deal with cases relating to the rights of aliens, as well as to practicing attorneys and students of law and politics.

E. A.

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*Correctional Education Today: First Yearbook of the Committee on Education of the American Prison Association.* New York, 1939. Pp. 378. $1.00.

This *First Yearbook* of the Committee on Education of the American Prison Association is another example of the long collaboration with agencies in the state of New York. The publication is presented as a summary of the present theory and practice of education in correctional institutions. It serves as a handbook of information for persons interested in the field and as a useful guide for persons actually carrying on the work of institutional treatment of delinquents. The editorial committee was composed of correctional officials in the state of New York under the editorship of Walter M. Wallack, director of education in the State Department of Correction.

The nineteen chapters have been written by persons of intimate experience with pro-

grams of correctional education, such as commissioners, wardens, supervisors, teachers, and research workers. Austin H. MacCormick contributes an appraisal of the progress in correctional education since the beginning of the last century. The basic principles are set forth in the following chapter by Chairman Engelhardt of the New York Commission on Correctional Education. Succeeding chapters deal with special phases of the field: administrative organization, personnel, classification, curriculum development, techniques and materials, work assignments, vocational training and guidance, social education, library work, physical education and recreation, postinstitutional adjustment, and public interpretation. Excellent bibliographies have been appended to most of the chapters.

Institutional treatment continues to be extensively used for convicted persons, notwithstanding the disadvantages of the prison as an agency of socialization and the existence of the alternative of probation. Some delinquents are in need of intramural care or training, and others must be temporarily segregated from society. Theories of punishment and deterrence still mold judicial sentences. Educational programs, along with case work, classification, psychiatric and medical treatment, carry the burden of retraining, and, furthermore, counteract the desocializing elements of institutionalization. This *Yearbook* is a contribution to the extension and improvement of rehabilitative programs and should be ranked as an important handbook of correctional education as well as a yearbook. Succeeding yearbooks are planned to cover specific problems in the field. It is to be hoped that funds will be found to continue this useful publication on a yearly basis.

HOWELL WILLIAMS

UNIVERSITY OF CHICAGO

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*Adventuring in Adoption.* By LEE M. BROOKS and EVELYN C. BROOKS. Chapel Hill: University of North Carolina Press, 1939. Pp. xi+225. $2.00.

In recent years there has been a widespread and increasing interest in adoption, which has occasioned a remarkable amount of popular writing on the subject. This literary output has included books and articles by adopted children, by adoptive parents, and by those who have arranged the adoptions; with most of it directed toward the couple who may be contemplating the adoption of a child. The Brookses, who are themselves adoptive parents, have devoted the first half of their book to a careful consideration of the joys and hazards that attend the assumption of parenthood via the adoption route. Their advice to would-be adopters is entirely sound and should be helpful. They are perfectly clear as to the dangers of adoptions arranged by physicians and ministers and are insistent that a reputable child-placing agency offers the greatest security. The importance of applying to an agency licensed by the state welfare authority is properly emphasized, and their explanation of the trial period and the social investigation to which they (the adoptive parents) will be asked to submit should convince most readers of its practical necessity.

The second half of the book is given over to an analysis of existing adoption laws and a discussion of the legal safeguards which should be incorporated into such a statute. These chapters should be of special interest to the professional reader. A tabular summary covering the forty-eight laws is useful for comparative purposes, and the annotated Bibliography which is appended is unusually well selected.

J. B.

*Origins of Class Struggle in Louisiana.* By ROGER WALLACE SHUGG. University: Louisiana State University Press, 1939. Pp. x+372. $3.50.

This volume is somewhat unusual in that it combines able and meticulous research with a lucid and interesting literary style. It is especially recommended for those whose literary acquaintance with Louisiana is limited to Herbert Asbury's *The French Quarter*, Lyle Saxon's charming stories of old Louisiana, Roark Bradford's humorous tales of the Negroes, and Creole cookbooks. Mr. Shugg's book, on the other hand, presents the story of the people of Louisiana. The social history of the white farmers and laborers of Louisiana from 1840 to 1875 cannot be described as romantic, colorful, or picturesque. Nor can this group of nonslaveholding whites who comprised three-fourths of the electorate be dismissed as "po' white trash." Despite the numerical superiority of the farmers and laborers the state was governed by an aristocratic combination of rural planters and New Orleans merchants, bankers, and lawyers, leaving "white supremacy" as this group's only solace. The political control of the state, except for the unfortunate era of carpetbaggers and scalawags, was not appreciably disrupted by the Civil War. The result was that "the people who were poor and white had changed neither their color nor their condition."

The social worker will be especially interested in the description of agencies for the care of those impoverished by the depression that followed the panic of 1873. Organized charity of the time "was notable for the rigor of its inspection rather than the bounty of its relief."

The story is not a beautiful one, but one that needs to be told. The author has done this objectively without the usual accompaniment of cultural and economic hysteria.

ARTHUR P. MILES

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*A Memory of Solferino* (*Un Souvenir de Solferino*). By J. HENRI DUNANT. Washington, D.C.: American National Red Cross, 1939. Pp. 95. $0.50.

The names of two persons are indelibly associated with the history of the Red Cross. Clara Barton, the American, is remembered for her devoted efforts in behalf of obtaining the somewhat belated official participaton in 1882 of the United States in the principles which had already been adopted in 1864 at the Geneva convention by twenty-six delegates from sixteen governments.

It is as a fitting memorial to the other of these two persons, Henri Dunant, the Swiss, whose activities led to the calling of the Geneva convention, that the American Red Cross has published on the seventy-fifth anniversary of that convention an English translation of *Un Souvenir de Solferino*. In this volume Mr. Dunant has described his experiences during the horror of that battle and its aftermath which impressed him with the need for organized efforts to mitigate such suffering. Of this book Victor Hugo wrote to its author, "You armed humanity and served liberty."

Personal recognition of M. Dunant's services came late. After years of obscurity, poverty, and dependence upon charity he was given a pension in 1895 and was sought out in 1901 to receive the first Nobel peace prize.

M. C.

## REVIEWS OF GOVERNMENT REPORTS AND PUBLIC DOCUMENTS

*Children in a Democracy: General Report Adopted by the White House Conference, January 19, 1940.* Washington, D.C., 1940. Pp. ix+86. $0.20.

*Preliminary Statements Submitted to the White House Conference.* Washington, D.C., 1940. Pp. viii+257. $0.40.

*Children in a Democracy* is the general report unanimously adopted on January 19 by the White House Conference. The gains made during the depression decade since the last conference are briefly touched upon, but the bulk of the report is devoted to calling "public attention to the many conditions that still are hazards to children and to the future of our Democracy." Ninety-eight recommendations embodying both objectives and means for their achievements have been included as guideposts for future action. These are concerned with the provision of assistance to children and their families, improved educational facilities, increased protection for working children, and social services for children under special disadvantages. Children in minority groups and the children of the migratory agricultural workers have also been the subject of special attention.

The Report Committee, Mr. Homer Folks, chairman, selected a small research staff with Mr. Philip Klein as director, to prepare a series of documents on the various fields of interests within the scope of the conference to be used as a basis for formulating the conference report and program of action. The documents were discussed in group meetings at the conference, and, although revised in accordance with suggestions made by the individual groups, they were not acted upon formally by either the Report Committee or the conference as a whole. These *Preliminary Statements*, however, are not in conflict with the *General Report*, but are "to be regarded as supplementary to it and as an aid in obtaining original source material for more detailed study of the subject matter." Since many readers will want to have complete files of these important conference papers, attention should be called to the *Papers and Discussions at the Initial Session*, published some months ago (see this *Review*, XIII, 757), and to the *Final Report* which is now in preparation.

JAMES BROWN

UNIVERSITY OF CHICAGO

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*The Crippled Child in New York City: Report of the Commission for Study of Crippled Children.* New York: Commission for Study of Crippled Children, 1940. Pp. 218.

The Commission for the Study of Crippled Children was appointed by Mayor LaGuardia for the twofold purpose of studying the needs of the orthopedically

crippled child in New York City and of proposing a program to meet these needs. One finishes reading this report with a distinct conviction that "the crippled child need not be considered a permanent social or economic burden" if all communities serving crippled children were to employ the same incisive candor in recognizing needs and the same sound principles in devising a program of treatment as are embodied in this study. The keynote of the recommendations—an integrated program designed to meet concomitantly the physical, educational, vocational, and social needs of the orthopedically crippled child—well justifies the adoption of the fundamental proposals as a measuring stick for orthopedic services to children wherever such services are offered.

The findings reveal that the existing facilities for the care of the orthopedically crippled child in New York City are, on the whole, adequate, but that ineffectiveness of some services and an enormous waste of community funds result from insufficient integration and co-ordination of the agencies and resources available.

The major recommendations for the physical care of the child are briefly: establishing a co-ordinating service in the Department of Health to maintain a central registry of crippled children; recognizing the hospital as the focus of care and effecting much closer working relationship between physician, public health nurse, and medical social worker; the nursing agency assuming responsibility for follow-up in the home, such service to include also the general health supervision of the family; strengthening physician-patient relationship and improving clinic organization in order to reduce the costly practice of patient's shopping from one hospital to another; children in hospital or convalescent home being seen regularly by the pediatrician as well as by the orthopedist.

The chief recommendations for the child's educational, vocational, and recreational needs are: organizing special units, including at least six grades, in the building of new schools rather than segregating the crippled child in special schools or operating a special class in each school; establishing city-wide bus service in order to make available to any child the type of training he needs; beginning vocational counseling, under the Rehabilitation Division of the State Department of Education, from the first year in high school and continuing it until satisfactory employment through the State Employment Service is found; avoiding the segregation of the orthopedically crippled child in recreational activities except for the severely handicapped.

For the group of children with cerebral palsy, of whom it is estimated that 75 per cent are of sound mentality and susceptible to rehabilitation, it is urged that special classes in public schools be organized, eligibility to these classes to be determined by cerebral palsy clinics of the various hospitals. It is urged also that convalescent homes receive this group of children for care.

The statistical data of this report afford a body of material worthy of thoughtful consideration.

MARIE WAITE

COUNTRY HOME FOR CONVALESCENT CRIPPLED CHILDREN
UNIVERSITY OF CHICAGO CLINICS

*Children in the Courts, 1937.* (U.S. Children's Bureau Publication No. 250.) Washington, D.C., 1940. Pp. 88. $0.15.

The present report is the tenth in the series on juvenile court statistics and the fifth on federal juvenile offenders. In the eleven years since the juvenile court series was initiated the number of courts reporting has increased from 43 in 1927 to 462 in 1937. This substantial extension in the reporting area has been largely owing to a change from reporting by individual courts to state-wide reporting in a number of states. Starting with Utah in 1928, Connecticut, Massachusetts, New York, New Jersey, Rhode Island, Indiana, Michigan, and Missouri now report on a state-wide basis.

Some minor changes have been introduced in the current report. The detailed data on dependency and neglect cases which were included in previous reports have been omitted; and in the present report, discussion of trends in delinquency is presented only for total cases by sex and race, although tables giving data on trends in other factors (age, home conditions, reasons for referral, etc.) have been included in an appendix.

For the first time since 1930 a reversal in the downward trend in the number of delinquency cases was noted in 1937. An increase of 11 per cent was registered for the 28 courts that have reported each year since 1929 and 9 per cent in the area served by the 336 courts that reported in both 1936 and 1937. Interpretation of this increase, however, should be undertaken cautiously and with awareness of the many factors which may affect the number of cases reported from year to year, i.e., such factors as "changes in the administrative procedures of the courts, changes in the policies of the police departments and other agencies in referring cases to the courts, and changes in the relationship of the courts to other agencies in the communities." Miss Bernadine Fouch, supervisor of juvenile court statistics, who wrote the report, says that "it is difficult to determine which factors contributed to the increase in the number of cases reported by the 28 courts in 1937. Figures for future years will determine whether this increase will be maintained or whether it was only a 1-year reversal of the gradual downward trend."

The figures in Part II of the report likewise show an increase from 1936 to 1937 in the number of juveniles dealt with by federal authorities. Further increases may be anticipated in this group for future years as a result of the 1938 law which now makes it possible for the federal courts to deal directly with young offenders as "delinquents"—a concept hitherto unknown under federal procedure.

J. B.

*New York State Joint Legislative Committee To Investigate Jurisdiction of the Children's Courts, Known as Children's Court Jurisdiction and Juvenile Delinquency Committee, Report.* (Legislative Document [1939], No. 75.) Albany, 1939. Pp. 310.

This *Report* is a good illustration of the way in which anyone who grasps the subject of delinquency finds it impossible to let go. The Committee was appointed in May, 1937, pursuant to a joint resolution of the New York Assembly authorizing the appointment of a joint committee under the title cited in the title of the *Report*.

The special problem in the mind of the legislature was that of pushing up the treatment of young offenders—that is, those under sixteen years of age—into the period above that age limit. In other words, it was the question whether or not an attempt should be made to take young persons between sixteen and twenty-one years of age out from under the criminal law, as the civilized world, including New York, had agreed that those younger than sixteen should be taken out.

The Committee set to work to attack this question, but after two years they asked that the Committee be continued. While the first fifty-four pages give an account of their first year of work, on March 1, 1938, they asked to be given another opportunity, and the life of the Committee was extended one year. Then on March 20, 1939, they came forward again with an account of another year's activity and with an extended and elaborate discussion of *Maladjusted Youth: A Study of Juvenile Delinquency*, by Dr. J. R. Maller, of Teachers College, and ask that their life as a committee be again extended for a year.

There is nothing new in their conclusions. The causative reasons for juvenile delinquency are found to be (1) bad economic conditions, (2) bad home conditions (physical), (3) bad home conditions (domestic), (4) lack of parental authority (the home fails), (5) lack of religious instruction (the church fails), (6) mental deficiency, (7) lack of teaching of citizenship (the school fails), (8) lack of playground facilities (the city fails), (9) idleness (industry fails), (10) lack on the part of the city and state to furnish preventive agencies.

The Committee is clear that criminal court procedure is hardly an adequate agency for dealing with the victims of these failures on the part of social, economic, governmental agencies and institutions. The question is whether there should be a new tribunal for these older young offenders—an adolescent court—or whether they should be intrusted to the juvenile court through an extension of the jurisdiction of the juvenile court, or whether, perhaps, a state-wide agency for the prevention of crime might not attack the problem in a new way. On this point the Committee is clear that the juvenile court jurisdiction should *not* be extended.

They call attention to the local character of the juvenile court and the chaotic character of efforts of treatment and urge further scrutiny of some of these experiments and a further prolongation of the existence of the Committee.

The Committee held hearings in many parts of the states and asked and received suggestions from interested persons, from private agencies, and public officers, so that the *Report* has interest from the point of view of method as well as of content.

S. P. B.

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*To Provide a Temporary Haven from the Dangers or Effects of War for European Children under the Age of Sixteen: Hearings before the Committee on Immigration and Naturalization, House of Representatives, on H.R. 8497, H.R. 8502, H.R. 10083, H.R. 10150, H.J. Res. 580, H.J. Res. 581, Superseded by H.R. 10323.* Washington: U.S. Government Printing Office, 1940. Pp. 38.

The sponsors of the four bills and two resolutions having to do with admission of refugee children which were up before the Committee on Immigration and Naturalization on August 7 agreed to the substitution of a composite bill at the end of the first day of hearings.[1] The object of all these measures was to relax admission procedures for refugee children—the principal difference being in the nationalities to be included under the simplified procedure. The composite bill, H.R. 10323, applied to children under sixteen who are citizens and are refugees from any country in Europe. In addition to providing admission of these children on visitors' visas, the bill exempted them from the payment of head tax and visa fees.

It should be pointed out that while an interpretation of the immigration laws by the Department of State had already made possible the entrance of British children on visitors' visas, it was thought that this would not cover children from other countries. The testimony of Mr. Hart, special attorney from the office of solicitor-general, makes this point clear:

> . . . . It has been ruled, and very properly ruled, that English children can come in as visitors, under visitors' visas, because they have a home in England to which they can return. I have been informed, but I am not certain of this, that in the case of English children, who are in England, they can go from the British Isles on a reentry permit after the war. If they get such a reentry permit, they can then be qualified for a visitor's visa. That is because they have a place to go back to after the emergency is over. All the other children cannot be so classified.
>
> Children have been evacuated from various nationalities, and have gone to other countries as visitors. There are some who have left their own countries, as from Spain, and are refugees in France. They must be classified as immigrants under our law, and must have a quota number in order to come in. That is because there is no assurance that they can go back. This bill does something with respect to that class of children. It is a discrimination in its practical results in favor of refugees or children who may not be able to give some guaranty that they can go to some other country [p. 36].

J. B.

[1] See also this *Review*, XIV (September, 1940), 541–54.

*Report of the Connecticut Commission of Welfare and the Public Welfare Council, 1939.* Hartford, Conn., 1940. Pp. 143.

Under the commissioner of welfare there are five divisions and one bureau. Different divisions administer state aid to the townships, reimbursing them for relief granted to nonsettled applicants, widows' aid, child welfare services, the collecting of accounts due by relatives and friends and estates for support and care provided patients in the state hospitals for the mentally ill, the feebleminded, and the tubercular. The bureau administers old age assistance and aid to the blind.

"Make Haste Slowly" might well be the motto of the state of Connecticut in the field of public welfare. The commissioner begins his report by pointing out that there have been few changes since his last report was issued in 1937 but that there had been increases in the number of persons needing assistance in connection with these various services.

The Public Welfare Council, on the other hand, is glad to acknowledge a favorable legislative response to a number of their earlier recommendations. In accordance with their advice, a State Farm for Inebriates, which they had thought unnecessary, has been abolished, and likewise in accordance with their counsel, provision has been made for the segregation and care of defective delinquents. The Welfare Council proposes a very considerable number of additional acts, which it hopes the legislature may see fit to adopt at its next session. Among these is an act qualifying for grants under the Aid to Dependent Children sections of the Social Security Act, the establishment of a state system of juvenile courts separate from minor courts and similar to some now in operation in two counties in the state, provision for additional parole personnel and the setting-up of a system of state guardianship for neglected and uncared-for children. The Council would like to see established, too, a farm for misdemeanants who might otherwise be confined in the county jails. They look forward to eventual provision for the care and treatment of the chronically sick who are public charges and for whom proper medical facilities are not now available in existing institutions. They have urged for some time the setting-up of a central social service index in co-operation with all the public and private welfare agencies in the state, and they greatly desire that all private homes in which public charges are lodged or boarded should be licensed and inspected by the Public Welfare Council.

Connecticut is not averse to the formulation and publication of recommendations for developments in the field of public welfare. During the last two decades a considerable number of commissions have been set up, and their reports contain intriguing proposals for comprehensive changes looking to closer relationships between and among the state and the local authorities. However, whether because of inertia, because of fear of expenditure, because of the influence of certain vested interests, changes are few and sometimes progress seems very slow.

Connecticut is an old state and has many interesting incidents in its history. The first school for the deaf in the United States was the Hartford school, which was established in 1817 and was the recipient not only of state but of federal aid. It was likewise a party to the long-time controversy with reference to the proper method of educating the deaf and has been so insistent in its adherence to the sign method of communication that there has been established in Connecticut—near the village of Mystic—an oral school for the deaf. State aid has been granted to both of these institutions, and in 1921 the Mystic school was purchased by the state, and the management of the school was vested in a board of trustees appointed by the governor.

Almhouses are maintained by 43 of the 169 towns in the state; and while the almshouse population has been reduced as the result of old age assistance under the Social Security Act so that a few of the smaller communities have discontinued their poor farms, the effect of the old age assistance program has been much less in the direction of causing towns to board out their poor than those who advocated the enactment of the statute had anticipated. Undoubtedly, one reason for this is the fact that many of those cared for in the almshouses are chronically ill, and the almshouse substantially serves the purpose of an infirmary.

In the mind of the student from outside the state, the apparent separation between the office of the commissioner and the performance of the duties under the Council raises many questions of governmental organization and procedure. However, the actual co-operation between the two may be very much closer than is apparent from the separate character of the reports presented in this document.

S. P. B.

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*Report of the Department of Welfare of the Commonwealth of Kentucky, 1937–39.* Pp. 66.

*Kentucky Department of Welfare Bulletin.* Frankfort: State Department of Welfare, April, 1940. Pp. 17.

Kentucky is one of the states which was persuaded to create an omnibus Department of Welfare in 1936, substituting for the previous public welfare authority a department of seven divisions, two departmental services, and nine institutions. These different forms of authority cover the fields of destitution, mental hygiene, corrections, and child welfare as well as the subordinate functions connected with the cultivation of the state farms and the development of research and statistical materials. It is true that this department, like that of New Jersey, makes use of an Advisory Board, of which the commissioner is chairman ex officio and is, therefore, more stable than a department such as that of Illinois, in which such board as does exist is subordinated to the director

of the department because the budget of the board is a part of the departmental budget and must, therefore, meet with the approval of the director through whom the budget is presented to the governor.

This *Report* deals with a period part of which the commissioner was the executive largely responsible for the Reorganization Act. During the latter part of the period, however, the commissioner—who is one of the few highly qualified social workers holding positions of this kind in the United States at the present time—Margaret Woll had to assume responsibilities which she recognized as being substantially beyond the capacity of any single executive.

The *Report* contains a competent description of the organization of the department and with it a separate report for each of the divisions and each of the institutions. Kentucky is one of the older states which took a position of aggressive leadership in its earlier years in the field now described as "public welfare." It has, therefore, a long history and is faced with the difficulties that present themselves when there is need of changing from an older to a newer order.

There are few statements providing for the establishment of a penitentiary or looking to the reform of the criminal law more modern in certain features than the Act of 1799 establishing the Kentucky State Penitentiary, but a building erected in 1799 is a miserable place in which to house prisoners in the 1940's. The second state hospital for the insane in the United States was established by the Kentucky legislature in Fayette County, Kentucky, in 1822. The building, suitable in 1822, is likewise to be evacuated in 1940. As in the case of the Eastern State Hospital for the Insane, so with other buildings. They are mostly old, and replacing older structures by new and modern provision meets with many difficulties.

It is to be hoped that the next session of the legislature may establish, in place of divisions, three departments, possibly even four, namely, Public Assistance, Mental Hygiene, Corrections, and Child Welfare. If this were done, it might well be hoped that there could be a more comprehensive and effective influence on the administration of local welfare activities, and it might be found possible to develop new channels of control in relation to private, especially sectarian, institutions in which children are cared for.

The *Report*, which is well organized, is supplemented by a monthly *Bulletin*, which keeps more nearly abreast of current developments. Both the *Report* and the *Bulletin* give every mark of a high degree of competence in the administration of these services, upon whose skill the comfort of the needy and the delinquent in Kentucky depends, but with the evidence of competence in the service is likewise evidence of inadequate support from the legislature and a low level of contribution under the Old Age Assistance program. The archaic character of the state constitution delayed the adoption of the Blind and Aid to Dependent Children sections of the Social Security Act, but the Aid to Dependent Children program has finally just been adopted.

S. P. B.

*Report of the New York State Department of Social Welfare, July 1, 1936—June 30, 1939.* Albany, N.Y. Pp. 183.

New York is one of the considerable number of states which reorganized their social welfare authorities after 1935, that is, after Congress adopted the Social Security Act. It is a state that, unlike Illinois, Kentucky, and New Jersey, devotes one department to problems of dependency and child welfare while leaving mental diseases and corrections to other departmental organizations. Much thought and discussion were devoted to the proposed reorganization. A special commission[1] was set up to advise on the subject and a very able and constructive program was suggested. One of the subjects much discussed was the general structure of the proposed authority, and the Wardwell Commission recommended a single-headed authority. The legislature did not, however, accept this view and re-created an authority outwardly very like the old state board. The number of members was increased from twelve to fifteen, but they still represented, in part, the judicial districts of the state.

This *Report* covers the three years following this reorganization and while brief is very tightly packed with information and explanation. The new form of the old authority is fully described in this brief statement, which likewise skilfully presents the experience of the state authority in relation to the federal—the Social Security Board—and traces the developments in state-local relationships that have developed since 1935.

In the state area there are the problems of the unsettled poor, of the Indian, of the development of special services for the groups aided—such as medical care, treatment of the blind, and relief for the employed.

There is a chapter on "Services to Children," in which again the relationship to the federal government and to the Indian groups, the question of institutional provision are presented in clear and interesting ways. There are chapters devoted to the "Blind," to "Non-relief Services," and to co-operative relationships of various kinds. This *Report* covers, as has been said, the period from 1936 through 1939, a period of readjustment in organization and task. The same professional guidance has been supplied by the commissioner, Mr. David C. Adie, who has been able to steer this important welfare authority through the difficult but promising experiences of both federal and wider state co-operation.

S. P. B.

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*First Annual Report of the Rhode Island State Department of Social Welfare, July 1, 1938, to June 30, 1939.* Providence, R.I., 1940. Pp. 176.

This first annual report by the State Department of Social Welfare is in reality but the first report of a new form and title of Central Welfare Authority

[1] The so-called Wardwell Commission, *State and Local Welfare Organization in the State of New York: A Summary Report upon the Administration of Public Relief Services* (Legislative Doc. [1936] No. 56). See *Social Service Review*, X (1936), 178.

in Rhode Island. This smallest of states was among the earliest (the fourth) to set up a Board of State Charities and Corrections (1869). In 1917 this became the Penal and Charitable Commission, in 1923 the Public Welfare Commission, in 1935 the Department of Public Welfare—with this final reorganization in 1939. However, the comprehensive modern department is far removed from the first Board of Charities and Corrections established as the result of a study to determine "the expediency of erecting a state asylum for the insane"—the committee responsible wisely recognizing that the care of this group was but one part of the problem calling for attention on the part of the central authority. In spite of this early beginning, centralization of services has been slowly accepted, as the tradition of local responsibility has been firmly intrenched in Rhode Island—until 1934 it was the most difficult state in the Union in which to acquire settlement.

And today the local units—thirty-nine towns and cities in a state but forty-eight miles at its greatest length and thirty-seven miles at its greatest width—continue to carry full responsibility for the administration of the old statute "Support and Discipline of Paupers," which provides relief to "unemployables" and those ineligible for the categorical services. Thus the reader of the *Report* gains no knowledge of the kind of care given to a large group of the poor—whether that care be provided in homes or "almshouses."

The framework of the newly created department consists of five divisions. The Division of Correctional Services includes the penal and reformatory institutions as well as the administration of probation and parole. The Division of Hospitals and Infirmaries includes the State Mental Hospital, State Infirmary (formerly the State Almshouse), and the Exeter School for Feeble-minded.

The Division of Public Assistance is responsible for the so-called categorical services. The "functions, powers and duties" of the Unemployment Relief Commission, established in 1931, have been transferred to this division. While during 1939 Rhode Island did not participate in the provisions of the Social Security Act in the aid to blind program, by the new legislation the administration of this aid has been transferred from the Department of Education to the Department of Social Welfare; and a plan has been submitted to Washington for approval whereby federal aid may be granted. This division is also responsible for the old age assistance program, aid to dependent children, and aid to families of persons committed to state institutions.

The Division of Child Welfare administers the state institutions for dependent children and supervises the placement of children therefrom and the two institutions for delinquent children. In addition, it licenses private child-caring institutions and boarding-homes, investigates court referrals by petitions for adoptions, and administers the child welfare services under Title V of the Social Security Act.

Remaining divisions are the Soldiers' Relief and Rhode Island Soldiers' Home and an administrative division.

Experiments are being made by the establishment of a series of districts which would "serve as a vehicle . . . . for the integration of the various programs" and substitute local administration with state supervision in place of the extremely centralized administration of categorical services from Providence. The *Report* contains statistical material in relation to the various service and institutional programs. The financial report, however, does not break down the figures so as to give the median payments in a categorical group. Thus it is necessary to go to the *Report* of the Social Security Board to learn that in January and April of 1939 the average Rhode Island payments in the aid to dependent children program were $47.23 and $46.41 as compared to the median for all states of $30.61 and $29.99 for the corresponding months. The payments for old age assistance were not so favorable for Rhode Island, however—$18.75 and $18.85 as compared with $19.37 and $18.71 for all states.

Particularly commendable in the *Report* are the evidence of understanding and the forthright statements regarding unmet needs—with suggestions for improvement in services, buildings, personnel, and legislation—an example is the recommendation for the separation of the state prison from the Providence county jail to prevent the mingling of men awaiting trial with those having criminal records. Improvements in the penal system include the creation of an assignment board consisting of qualified prison officials to assign men to proper occupational programs based upon an individual study of each man.

In the children's field special recommendations call for changes that would bring more satisfactory adoption procedure, a more extensive foster-home program, and changes in the relationship of the courts and Division of Child Welfare in the commitment of delinquent or dependent children.

MARGARET CREECH

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*Annual Report of the Director of Public Welfare, Commonwealth of the Philippines, 1938.* Manila, 1939. Pp. 60.

This *Report* for the Philippine Bureau of Public Welfare shows a growing program for the year 1938. The work of each of the three divisions of the bureau—Administration, General Welfare, and Child Welfare—is given briefly and clearly. Statistical material relating to the numbers of cases and children and to the financing of the programs are interspersed in the narrative with interpretive comment. The statement is made that the problems involved in the care of dependent and delinquent children received a greater part of the time and financial outlay of the bureau. This work handled by the Division of Child Welfare involves direct operation of the three orphanages for dependents—the training schools for both boys and girls and the Home for Mentally Defective Children. The probation work among minor offenders is a most important function of the division. In addition it supervises the private child-caring institutions and agencies.

Through the Division of General Welfare the bureau works for co-ordination of public and private agencies for relief and welfare. It has general supervision over the private agencies and works with the National Relief Administration and health agencies in an effort toward general improvement of social conditions.

Recommendations for increase in support and expansion of activities are well supported with interpretative material as to the needs in the several fields and the limitations now in effect.

DOROTHY CHAUSSE

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*The Denver Relief Study.* By JEAN SINNOCK and ASSOCIATES. Published by Colorado State Department of Public Welfare and Denver Bureau of Public Welfare, 1940. Pp. 62.

Among the many problems confronting the public relief agency, a most serious one is the administering of vastly inadequate allowances to families over a long period of time. In Denver, Colorado, the agency has been allowing to families only two-fifths, or 40 per cent, of what the families actually need to maintain a decent standard of health and living. The Advisory Board of the Bureau of Public Welfare decided a study should be made to "determine how families on the 40 per cent budget have managed for the last two or three years and to determine also the actual results that the 40 per cent budget has had on the lives of the children, on the morale of the families and all the devastating forces that a budget of that kind will force on a family."

A Citizens Committee was formed, and the co-operation gained of the health agencies, the courts, and the schools, as well as the other social agencies of the community. A sample was taken of the general relief case load of the Bureau of Public Welfare. The families were visited by social workers, and certain information was obtained from them regarding expenditures for food, rent, and other items. Housing was also reviewed, and health reports obtained both from the client and from the health agencies.

The information thus obtained is presented in the report with statistical and interpretive material relating to "the evaluation of the cases" and "the results of the inadequate relief budget." Further material is given in the Appendix on the special topics of "Budgets," "Housing," "Nutrition," and "Health."

This report shows clearly the existence of a "new type of starvation through faulty nutrition" which in the long run will prove very costly to the community in sickness and other problems. To social workers in other communities confronted with similar problems, this study has valuable information interestingly presented which might be of use in the effort to interpret to the public or other officials.

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*Crime of Lynching: Hearings before a Subcommittee of the Committee on the Judiciary, U.S. Senate, Seventy-sixth Congress, Third Session, on H.R. 801, February 6, 7, March 5, 12, and 13, 1940.* Washington, D.C.: Government Printing Office, 1940. Pp. iii+204.

Attempts by Congress to deal with lynching as a subject of national concern continue to be stubbornly resisted. In spite of the fine decision of the United States Supreme Court upholding the rights of the Negro to due process of law and the interest of the federal government in the protection of those rights, Congress fails to enact an antilynching bill.

These most recent *Hearings* give evidence again of bitter prejudice and insincere and misleading arguments by opponents of the bill now before Congress. It is to be regretted that witnesses were at times subjected to less than courteous treatment in their attempt to present material in orderly fashion. As to whether or not the antilynching bill now before the Senate and already adopted by the House would accomplish the results hoped for by its friends, there may be genuine differences of opinion; but there should also be opportunity for open discussion. For almost twenty years efforts have been made to find a measure which would give security against a most revolting form of lawlessness. The Dyer antilynching bill, Senator Costigan's bill, and Senator Wagner's bill have each, in turn, failed of passage. The fact that the Senate has no rules making possible the closing of the debate gives opportunity for the filibustering that has proved fatal to all these efforts in behalf of good government.

S. P. B.

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*Public Defender for the District of Columbia: Hearings before a Subcommittee of the Committee on the Judiciary, Senate, Seventy-sixth Congress, Third Session.* Washington, D.C.: Government Printing Office, 1940. Pp. iii+46.

One of the interesting movements to come out of the general criticism of the law-enforcing machinery in the various states has been that of securing for persons accused of crime the services of a so-called public defender. The office has been established in a number of jurisdictions, and the desirability of providing adequate services is widely recognized. It is clear that not only are professional qualifications necessary but also the kind of experience which would be analogous to that of the prosecuting officials.

This *Hearing* before a U.S. Senate Committee has to do with the proposal (S. 1845) to establish this office in the District of Columbia. Persons distinguished in the field of law enforcement and members of the District Bar appeared before the Committee. The testimony was generally in favor of the enactment of the proposed legislation. The logic of the argument presented by the distinguished witnesses who have held important public positions and by practicing lawyers—both men and women—is convincing, or, at any rate, per-

suasive. As yet, of course, there is very little material from which to judge of the essential value of the services rendered in any jurisdiction in which the office has been set up. There is no question that the time of the judges is saved, and the costs of jury fees seem to be greatly reduced. Whether there is a real gain when, as in Cook County, Illinois, "the jails are emptied and the penitentiaries filled," cannot yet be answered by any convincing reply. There is much testimony to the effect that the plea of guilty is much more frequently entered; and while this may be the result of efficient work, it may also be the result of inadequate explanation given to the accused person by the public defender. However, as has been said, there is no question of a need of improvement in the prosecuting procedure at every step, and perhaps there will be found in the experience of the public defender some new clues to more of these improvements.

The objection that was raised by the one witness who was strongly opposed to the bill was that the public defender was a new device to increase the employment of social workers. Of course it is true that, although these positions are not filled by social workers, members of the social-work group feel the need of reforms in criminal-law procedures.

S. P. B.

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*Report of the Department of Social Welfare of the Union of South Africa. 1937–39.* Capetown, South Africa, 1940. Pp. v+161. 8*s.* 6*d.*

This *Report* covers the activities of a new public welfare department over a period of eighteen months. This was largely a time of reorganization and co-ordination of the policies and procedures of the several welfare activities which had formerly been carried on as parts of other departments.

The *Report* traces in some detail the historical developments not only of the various public services for which the department is now responsible but also the private social services throughout the provinces and the local communities.

The plans for co-operation with these agencies and the co-ordination of the services are discussed at length under the general topics of "Child Welfare," "The Physically and Mentally Handicapped," "Housing," "Settlements and Work Colonies," "Cultural and Vocational Training and Employment."

Although the names of the agencies are different, many of the problems encountered seem very familiar. In the Union of South Africa as well as in the United States there is the question of federal responsibility versus state and local responsibility in matters of public assistance and relief. The care of the aged, of invalidity, and of children has been developed on a "Union" basis, while poor relief is administered by the local magistrates. There are problems of stranded communities, of drought areas, and of "unbenificial occupation of farms," all being complicated by the provisions for the three racial groups of Europeans, colored and native.

The universality of certain "problems" and "principles" involved in the public administration of social services is again illustrated in the discussion of the need for trained personnel and the difficulty of finding sufficient personnel equipped with case-work training for the positions available. In addition to certain courses and field-work experience, trained workers must also be proficient in both official languages.

The *Report* is written with the intention not only to state what has been done but to interpret the policies and plans for further development. It is very detailed and contains a great deal of information which should be of interest not only to the officials of the government but to the lay public as well.

It is of interest, perhaps, that Dr. Felix Brummer of the new department came to an American school of social service for his training in public welfare administration.

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*Economical Administration of Health Insurance Benefits.* ("Studies and Reports," Ser. M, No. 15.) Geneva: International Labour Office, 1938. Pp. vii+332. $1.75.

This study of the International Labour Office presents particularly valuable material relating to the protection of health of the workers and of their families. It gives "a systematic survey of the principles governing the curative and preventive measures to be taken for persons insured under social insurance schemes and members of their families." The study emphasizes the activity of the physician in the various phases of different health insurance systems, describing his functions as well as his important role, starting with the application of the patient for treatment and ending with the closing of the cure.

The study is divided into two parts: first, a comprehensive analysis of the "Principle of Economy in Administration of Health Benefits," by Dr. Walter Pryll, who was for many years medical officer of a German state factory inspection authority, chief medical adviser to an important metropolitan sick insurance fund and to a national federation of such sick funds, and later medical counselor to the International Labour Office.

A very timely chapter examines the views of doctors and of sick funds with regard to the work of the physician in the health insurance program. The analysis of the doctor's function proves that it is possible to reconcile the principles of effective and careful treatment of the patient with an economic administration of the health insurance funds. Special consideration in other chapters are given to diagnosis with particular emphasis on the importance of social diagnosis (pp. 49–57) in the treatment plan. The place of the doctor is considered in the treatment of diseases, of the patient's personality, and social therapy. However, the study does not include any discussion of the role of the medical social

worker in this respect. Hospital treatment and preventive measures are related to the specific facilities provided by the health insurance organization and by public or private health services. This general part of the study concludes that health insurance is a most important instrument of an effective health policy in preserving the health of those groups of the low-income and working-class population who would not use the doctor's services without a social insurance program.

The second part of the study includes a description of the health insurance schemes of Czechoslovakia, France, Germany, Great Britain, Hungary, Poland, and Yugoslavia, and several documents of an international character, such as statements of a committee of experts on economic administration of medical and pharmaceutical benefits, therapy, supervision, and settlement of disputes in the administration of each of these health insurance systems.

An index and a bibliography increase the practical value of this study of comparative social legislation.

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*Eighty-fourth Annual Report of the Registrar-General for Scotland, 1938.* Edinburgh: H.M. Stationery Office, 1939. Pp. cxxxiv+137. 4*s*.

This report follows the pattern of its predecessors except for two innovations: (1) new data are presented—principally relating to fertility—based on the first six months' experience with the additional items made available by the Population (Statistics) Act that came into operation July, 1938; (2) results are summarized of a special inquiry into the distribution of births and deaths according to the hour of day at which they occur.

First, second, and third births accounted for 73.2 per cent of all births in 1938. Figures for 1855 are fortunately available for comparison; in that year first, second, and third births accounted for only 50.4 per cent of total births. Though striking changes in fertility have thus occurred, the net reproduction rate for Scotland is 0.961 (where unity indicates the population is replacing itself) and is, therefore, above that of most of the countries in western Europe.

The experiment relating to hours of delivery revealed a marked tendency for live births to occur between midnight and 3:00 A.M. Explanations for this phenomenon are still wanting. No definite diurnal variation was observed in deaths comparable to that so clearly evident in the case of births.

W. McM.

*Urban and Rural Housing.* By M. B. HELGER. ("League of Nations Publications: II. Economic and Financial" [1939], II, A, 2.) New York: International Documents Service, Columbia University Press, 1939. Pp. xxxvi+159. $0.80.

This study, made for the assembly of the League of Nations by Mr. Helger of the Swedish Social Board, deals with "the methods employed in various countries for improving housing conditions with special reference to the cost involved and results obtained, granted the objects in view."

The report points out that there are two different aspects of the housing problem—shortage of housing and the unsatisfactory character of existing housing from the standpoint of hygiene and public health. It reviews the methods put into operation to cope with these aspects in urban and rural communities by Belgium, the United Kingdom, Denmark, Finland, France, Netherlands, Norway, Sweden, Canada, and the United States. Most of the material was gathered by the author through personal visits to the countries dealt with.

The report is chiefly concerned with problems arising and measures instigated since the first World War, and it offers an opportunity for comparison between remedies applied in such varied economic and social settings. For these reasons, and because of the comparative scarcity of material available with reference to rural housing, it has special value.

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## EXPLANATORY NOTE

The editor wishes to explain a statement in this *Review* for September, 1940, page 615, which has apparently been misunderstood. In the review of the Oklahoma Public Welfare report the statement was made that approximately 62.9 per cent of the state and federal child welfare fund was spent for "salaries, travel, and administration." This is misleading because the word "services" should have been used in place of these other descriptive terms. However, the Oklahoma report to which reference was made also uses these same misleading terms, when "services" would give a much better description of the way the money was used. The entire federal Child Welfare Services grant must be used for services to children. That is, in all of the states 100 per cent of the federal grant is so used. Only 62.9 per cent of the total amount spent for child welfare in Oklahoma is so used because there is included a state expenditure for foster-care of children and a medical-care program. In any event a percentage here cannot be compared with percentage expenditures for "administration" in any of the assistance programs. But the state report, like too many other published reports from the social services, does not make clear that "salaries, travel, and administration" as used in the report do not mean administrative expense but the expense of carrying *services for children.*

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# INDEX TO VOLUME XIV

## SUBJECTS

## AUTHORS



## BOOK REVIEWS AND REVIEWS OF GOVERNMENT REPORTS AND PUBLIC DOCUMENTS